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Measures to eliminate international terrorism

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Fifty-seventh year

Letter dated 27 February 2002 from the Chargé d'affaires, a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest incidents in the unrelenting campaign of Palestinian terrorism directed against the citizens of Israel.

Last Friday, 22 February, Valerie Ahmir, age 59, was returning home from work at approximately 4 p.m. (local time) when terrorists in a passing car sprayed his vehicle with gunfire on the Atarot-Givat Ze'ev road north of Jerusalem. Ahmir was killed by a gunshot wound to the head. The Al-Aksa Brigade of Palestinian Authority Chairman Yasser Arafat's own Fatah faction claimed responsibility for the attack.

On Monday, 25 February, two Israeli civilians — Avraham Fish, age 65, and Aharon Gorov, age 46 — were shot and killed when terrorists fired on their vehicle as they drove between Nokdim and Tekoa shortly after 4 p.m. (local time). Fish's daughter, Tamar Lipschitz, age 33, who was in her thirty-sixth week of pregnancy, was shot in the lower abdomen. Lipschitz was evacuated to a hospital in Jerusalem, where she underwent a Caesarean section and gave birth to a healthy baby girl. Chairman Arafat's Al-Aksa Brigade claimed responsibility for this attack as well.

Also on Monday, a Palestinian terrorist opened fire on a residential street in the northern Jerusalem neighbourhood of Neveh Ya'acov at approximately 6.30 p.m. (local time), wounding nine people, three of them seriously. Police officer Galit Arviv, age 21, who was critically wounded in the attack, died of her wounds the following morning. The terrorist, who entered Neveh Ya'acov from the neighbouring village of Dihyat el-Barid, was seriously wounded in a shoot-out with police and was finally subdued with the help of local residents. This attack was also the work of the Al-Aksa Brigades.

This morning, at approximately 6.30 a.m. (local time), a Palestinian terrorist entered the Rejwan coffee factory in Jerusalem and shot one of the owners, Gad Rejwan, age 34, twice in the head at close range. The Palestinian then fled towards Palestinian-controlled territory. Also today, Israeli forces stopped three terrorists who had infiltrated Israeli territory from Egypt. Two Israeli soldiers were wounded

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in the course of an ensuing gunfight with the terrorists, who were armed with automatic rifles and explosives.

These attacks come amidst other troubling reports that Al Qaida operatives are seeking to become involved in anti-Israeli terrorism. Last week, Turkish security forces apprehended three individuals linked to Al Qaida who had travelled from Afghanistan, through Iran, to Turkey, and who intended, had they not been arrested, to continue on to Lebanon and into Israel to carry out a terrorist attack in an Israeli city. Other reports have suggested that Al Qaida members are seeking safe harbour in the territories of the Palestinian Authority and in other neighbouring States.

These are only the latest incidents in a deliberate 17-month campaign of terrorism that has been detailed in letters dated 20 February 2002 (A/56/828-S/2002/185), 19 February 2002 (A/56/824-S/2002/174), 11 February 2002 (A/56/819-S/2002/164), 8 February 2002 (A/56/814-S/2002/155), 28 January 2002 (A/56/798-S/2002/126), 22 January 2002 (A/56/788-S/2002/104), 18 January 2002 (A/56/781-S/2002/86), 16 January 2002 (A/56/774-S/2002/73), 11 January 2002 (A/56/771-S/2002/47), 4 January 2002 (A/56/766-S/2002/25), 13 December 2001 (A/56/706-S/2001/1198), 4 December 2001 (A/56/678-S/2001/1150), 30 November 2001 (A/56/670-S/2001/1141), 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

The State of Israel holds the Palestinian Authority and its Chairman Yasser Arafat directly responsible for the ongoing campaign of terrorism in the light of the fact, inter alia, that its forces are the ones responsible for carrying out acts of

violence against Israeli civilians, including the attacks described above. It is entirely disingenuous for the Palestinian leadership to profess its desire for a negotiated settlement and a future of coexistence while its forces continue to carry out deadly attacks against Israeli civilians and incite hatred among the Palestinian people.

Israel remains committed to a negotiated settlement with the Palestinians, as with all of its neighbours, on the basis of Security Council resolutions 242 (1967) and 338 (1973). But such a settlement will remain elusive so long as the Palestinian leadership fails to stop the terror that it itself is perpetrating. Israel calls upon the international community, in the context of its global campaign against terrorism, to reaffirm the absolute unacceptability of any acts of violence against civilians and to compel the Palestinian leadership to abide by its legal obligations to renounce the use of violence and terrorism and to refrain from lending support and assistance to terrorist organizations it is currently harbouring in its territory.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Aaron **Jacob**
Chargé d'affaires, a.i.

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Security Council

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Letter dated 26 February 2002 from the Secretary-General to the President of the Security Council

I have the honour to convey the attached communication, dated 22 February 2002, which I have received from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 22 February 2002 from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General

I have the honour to transmit to you the twenty-first report on the activities of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. I would appreciate your making this report available to the Security Council.

I look forward very much to addressing the Council on the current situation in Bosnia and Herzegovina on 5 March.

(*Signed*) Wolfgang **Petritsch**

Enclosure

Report of the High Representative for the Implementation of the Peace Agreement to the Secretary-General

26 August 2001-19 February 2002

Pursuant to Security Council resolution 1031 (1995) of 15 December 1995, in which the Council requested the Secretary-General to submit reports from the High Representative in accordance with annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8 and 9 December 1995, I herewith present the twenty-first report to the Council.

The report covers the activities of the Office of the High Representative and developments in Bosnia and Herzegovina during the period from 26 August 2001 to 19 February 2002.

SUMMARY

1. The tragic events of 11 September 2001 in the US left their imprint on the domestic affairs of Bosnia and Herzegovina (BiH). The BiH authorities demonstrated their commitment to global action by working closely with the International Community to establish the Coordination Team in the Fight Against Terrorism, review citizenship cases, develop a badly-needed package of anti-terrorism legislation, and pass the five laws comprising the Citizens Identification Protection System (CIPS).

2. At its 6 December 2001 meeting, the PIC Steering Board (SB) at Political Directors' level endorsed my Draft Action plan on streamlining the work of the international civilian organizations in BiH. This plan includes policy coordination Task Forces on Rule of Law, Institution Building, Economic Policy, and Return and Reconstruction. At the top of the coordinating structure there is a Cabinet of lead agencies chaired by the High Representative. I will present a refined plan, including an assessment of multi-year funding requirements to the SB at their next meeting on 28 February 2002. The SB will also decide on the police follow-on mission replacing the UN International Police Task Force (IPTF), whose mandate is expected to terminate on 31 December 2002.

3. The implementation of the BiH Constitutional Court's "Constituent Peoples' Decision" (issued in 2000) is in a crucial phase. At my request, the leaders of the main BiH parties (from both Entities) have met several times at the end of January and during February with the aim of finding a sustainable agreement themselves.

4. The year 2001 produced 92, 061 "minority" returns, an increase of 36% over 2000, which was declared a breakthrough year at the time. On 24 January I issued a Decision ensuring transparency in the allocation of funds for refugee return in the Entity budgets. Among other things, the Decision requires Entity Ministers to notify periodically the State Minister for Human Rights and Refugees on their expenditure on refugee return.

5. Even though there must be no legal pre-conditions for cooperation with the Hague Tribunal, it was a positive sign that the National Assembly of RS passed in September a Law on the matter. However, six months afterwards, the RS authorities have not apprehended a single person indicted for war crimes. Moreover, the fact that the main RS indictees, Radovan Karadzic and Ratko Mladic are still at large, is a worrying fact that seriously hampers the normalisation of life in BiH.

6. In an effort to speed up preparations for the elections scheduled for 5 October 2002, I appointed both the three international and four national members of the BiH Election Commission.

7. On 6 November 2001 I issued a Decision amending the Federation Law on Banks to allow provisional administrators of banks to make payouts of up to 5000 KM (approximately 2,500 Euro) before issuance of their final reports. This affects most Hercegovacka Bank depositors, whose money has been frozen since April 2001.

8. On 8 February I issued Decisions by which the Entity Ministries of Urban Planning, rather than municipal authorities, are responsible for issuing permits for the reconstruction of monuments destroyed in the 1992/95 war. The ministerial decision has to be taken within 30 days, which makes the employment of delaying tactics and artificial obstacles more difficult.

I POLITICAL ISSUES

1. - State Institutions

1. The tragic events of 11 September in the US left their imprint on domestic affairs in BiH. To show their commitment to the global fight against terrorism, BiH authorities undertook a series of measures such as the establishment of the Coordination Team in the Fight Against Terrorism, which includes both domestic authorities and international agencies (OHR, SFOR, UNMiBH, UNHCR, OSCE). Other measures include the enhancement of cooperation between the Entity Interior Ministries, and the establishment of a commission to review cases of citizenship granted to foreigners during and after the war. The IC in BiH was closely involved in the drafting of anti-terrorism laws which were adopted by the Council of Ministers' (CoM) on 26 October 2001.

2. The aftermath of 11 September highlighted the urgent need for the implementation of the Citizens Identification Protection System (CIPS), which will ensure that BiH citizens have secure identification documents. The package of five CIPS laws was passed by the BiH Parliamentary Assembly (PA) and published in the Official Gazette on 28 December 2001.

3. On 18 January 2002, the competent authorities of the Federation of BiH handed over to the US government representatives six persons – citizens of Algeria, who had been in detention since October 17, 2001 on suspicion that they had connections with persons and organizations from an international terrorist network. Five out of these six persons were also the citizens of BiH, whose citizenship had been revoked in a stipulated procedure after it had been found out that they acquired the citizenship in an illegal manner.

4. During the reporting period, I continued my efforts to deepen the partnership between the domestic authorities -in particular State institutions- and the IC. At its meeting on 12 September 2001, the PIC Steering Board at Political Directors' level (SB PDs) met with representatives of BiH led by the Chairman of the CoM. The Steering Board welcomed the partnership initiative but noted that the new relationship required "a total, immediate, and professional commitment to drastic long-term institutional, legal, and economic reforms."

5. At its next meeting on 30 October, the SB PDs called on BiH authorities to urgently increase the pace of preparation for the general elections, and demanded the immediate launch of the BiH Election Commission. Accordingly, on 16 November I appointed the four national members of the Commission, who work with the three international members I appointed on 27 September. I have made it clear to the responsible authorities that they must now implement all administrative measures necessary for the elections to take place on 5 October 2002 as stipulated in the Election Law (adopted in August 2001).

2. - Entities and Brcko

a) BiH Federation

6. On 6 October 2001, the HDZ BiH held its 7th Party Congress in Mostar. The outcome was a disappointment because Ante Jelavic -whom I had removed in March 2001 as party President due to his participation in the "Croat Self-Rule" project- ran unopposed and was re-elected as President. In addition, most of the Vice-Presidents who were elected at the Party Congress had also been removed at that time. This indicates that the leadership of this party is unwilling to give up power and that the moderates in the Party have chosen not to challenge the status quo for the time being.

7. Nonetheless, significant changes have occurred which have made the so-called Croat issue less dangerous for peace implementation. The imposition of a Provisional Administrator in Hercegovacka Banka (financial backbone of the illegal BiH Croat structures), the loss of financial and political support from Croatia and the Alliance Government policy to dismantle parallel institutions as much as possible, have all contributed to a reduction in tensions over the Croat/HDZ issue. Indeed, by returning to the Federation HoR on 28 November, HDZ BiH has implicitly acknowledged that the Self-Rule project was untenable.

8. This, as well as other significant events, such as the successful implementation of the Gornji Vakuf-Uskoplje and Zepce agreements, the unification of the Pension Fund in the Federation, progress in the divided City of Mostar and the Alliance Government's outreach to the Croat strong-hold of Herzegovina indicates that the old HDZ/SDA bipolar world of ethnic politics that cemented the parallel structures in the Federation is slowly giving way to a more practical, functional approach.

9. The Third Congress of the main nationalist Bosniac party, the Party of Democratic Action (SDA) took place on 13 October in Sarajevo. Alija Izetbegovic stepped down from the party leadership and Sulejman Tihic, who is also the Deputy Speaker of RS National Assembly (RS NA), was elected as the new party President.

10. On 15 September, I issued a Decision on the implementation of the Agreement on the unification of the municipalities of Gornji Vakuf (Bosniac) and Uskoplje (Croat). I also appointed a Supervisor to ensure that this agreement is implemented smoothly.

11. On 17 September in Zepce, I announced that the conditions laid down in my Decision of 6 October 2000 had been met. (The October 2000 Decision called for the integration of the Croat majority municipality of Zepce into Zenica-Doboj Canton, the reunification of the institutions of Zepce and the realignment of the cantonal boundaries in order to satisfy the concerns of local Croats within the Bosniac majority Canton.) On 30 November, I confirmed that this Decision integrating the Zepce municipality was final and binding.

12. The OSCE completed its audit of the Federation Armed Forces (AFBiH) in November 2001 and came to the conclusion that the current force levels are simply not financially sustainable. On 28 January, the OSCE and IMF began discussions with the Federation Government, informing them that they must take immediate remedial action including the stoppage of all recruitment into the AFBiH. The Government's own proposal calls for a reduction of 10, 000 soldiers with a compensation payment of 10, 000 KM (approximately 5,000 Euro) per soldier, and is working with the OSCE and IMF to find ways of financing such a package. The IC, including OSCE, IMF, and SFOR, is monitoring this situation closely since it is both a technical problem and an issue with important ramifications for all of BiH society. A similar audit process is under way in the RS, and should be completed by the end of March.

b) Republika Srpska (RS)

13. The socio-economic situation in the RS remained gloomy. This was illustrated – among other signs- by the many strikes held by teachers and medical workers and the protests organised by pensioners.

14. Very little has been done by the RS authorities in regard to the reconciliation process among the three constituent peoples. The Reconciliation and Reform Committee

headed by President Sarovic, which was established at my request in the aftermath of the tragic events in Banja Luka and Trebinje in May 2001, has met only once.

15. RS co-operation (or lack thereof) with ICTY has yet to yield any specific results. Even though all internal preconditions -however misconceived- were met in September by the passing of the RS Law on Co-operation with the ICTY, not a single indicted war criminal has been apprehended yet by the RS authorities themselves. RS officials have let it be known that the most wanted Bosnian Serb indictees, Karadzic and Mladic, will have to be arrested by the IC alone due to the "sensitivity of the matter."

16. The Karadzic-founded Serb Democratic Party (SDS) finally took some tentative steps toward reform during the first part of its Congress on 24 December 2001, although the new Platform still does not include a clear commitment to the State of BiH.

17. Regrettably, during the reporting period, this lack of commitment to State institutions was reflected in the behaviour of most RS politicians. In my many meetings with the RS leadership, I have underlined that a functional and viable State is the only possible framework for the RS and its citizens to achieve their political and economic aspirations.

c) Brcko

18. The reorganization of the Brcko District Government out of three postwar municipalities was completed by the end of 2001 with the hiring/rehiring of public employees in an open, competitive process.

19. During the reporting period, both Entities and the State appointed liaison officers to facilitate cooperation with the District. This should lead to a decrease in tensions over issues such as privatization, taxation, customs policy/revenue, business formation and competition.

3. - Regional Issues

a) BiH's participation in European integration processes

20. The Political Affairs Committee of the Council of Europe (CoE) recommended BiH for admission into the Council on 27 September 2001. The Council's PA confirmed this recommendation on 22 January 2002, when it voted overwhelmingly in favour of BiH's accession in a strong endorsement of BiH's European aspirations. A final, positive decision on BiH's CoE membership is expected when the Committee of Ministers of the Council meets in Vilnius in May 2002.

21. BiH has been working to fulfill a number of the outstanding EU Road Map conditions. The House of Peoples (HoP) adopted the Civil Service Law on 20

December 2002, but the HoR has yet to pass it. The PA has also passed the Law on the State Border Service (SBS). Unfortunately, funding for both the SBS and the Constitutional Court of BiH, another Road Map requirement, has been held up by the PA's inability to pass the 2002 State Budget. (Other EU Road Map requirements are dealt with in the section on economic issues.)

b) Normalisation of BiH's relations with neighboring countries

22. In early November, high-level parliamentary delegations from both Croatia and the FRY visited Sarajevo. Moreover, the Croatian President Mesic and Yugoslav Federal President Kostunica visited BiH during fall 2001.

23. In November 2001, after nearly ten years of diplomatic blackout, BiH and the FRY exchanged Ambassadors. Discussions on the delineation of the border between the two States are continuing, and a free trade agreement was signed on 1 February 2002.

24. After an interruption of two years, the BiH-Croatia Inter-State Diplomatic Commission on border issues reconvened on 20 November in Zagreb. Furthermore, the 5th session of the Inter-State Council for Co-operation, held on 10 December in Zagreb, insisted that the 1999 Treaty on the State Border must be fully applied along the whole border. I have taken every possible opportunity to underline to all concerned that such developments can only serve the progressive rapprochement of BiH, as well as of Croatia and the FRY, with the EU as a whole in the framework of the stabilisation and association process.

II ECONOMY

1. - General Overview of the BiH Economy

25. The BiH economy continued to expand at a moderate pace in the second half of 2001 remaining in the range of last year's increase of 5%. The pace of economic revitalization, particularly in the RS, remains too slow. Official unemployment rates are alarmingly high at approximately 40%.

26. The introduction of Euro coins and notes in 12 EU countries by January 1, 2002 had no immediate implications on the Convertible Mark (KM) in BiH. The Central Bank of BiH (CBBH) maintains monetary stability by issuing domestic currency according to the Currency Board arrangement. This arrangement involves full coverage in freely convertible foreign exchange funds under fixed exchange rate 1 KM: 0,51 EURO. During the last four months (from November 2001 until February 2002), CBBH purchased DEM 2,23 billion from the commercial banks in BiH.

27. As of mid-January 2002, attempts were still being made to resolve issues related to the mid-term rebalancing of the State budget, which still faced financing gaps. For the Entities, revenue collection in the latter portion of 2001 improved, creating a better

budget outlook. Fiscal balance remains precarious, which underlines the need for higher efficiency in the tax collection and improved transparency in public spending.

2. - Regional and European economic integration

28. Joining the EU remains a key driving force and the principal longer-term political aspiration and economic objective for BiH. Some progress, if all too slowly, has been made on the completion of the EU's Road Map requirements. Three pieces of key commercial legislation, the Laws on Competition, Foreign Direct Investment, and Foreign Trade Chamber have completed parliamentary approval. Others, such as the Laws on Consumer Protection, on Industrial Ownership, Copyright and Other Related Rights in BiH, were adopted by the BiH House of HoR on 16 January 2002. The Law on Concessions, Law on Industrial Property, Law on Consumer Protection, Law on Copy Rights and Related Rights in BiH have also been adopted in second reading before the HoP. It is expected that final adoption of these laws will take place at the next HoR session, which begins on 12 March.

29. Further progress on the road to regional economic integration was made by the Stability Pact initiative for a regional Memorandum of Understanding (MoU) on Trade Liberalization, under which 90% of mutual trade in value should be free of duty by the end of 2006.

3. - Economic Reform

a) Privatization

30. In the RS, the portion of large-scale enterprises to be sold through vouchers (55% of total capital) has been fully allocated. The sale of the remaining state-owned capital in every company is ongoing. Among the group comprising the 50 largest enterprises, the so-called strategic companies, progress has been made since, for the first time, three large enterprises have been successfully sold to international investors. Two tenders were declared unsuccessful, as the negotiations between investors and Privatization Agency could not be concluded.

31. In the Federation, a second round of large-scale company Public Offering of Shares (POS) for certificate holders has been completed, with one of perhaps two further rounds to follow shortly. The remaining portion of publicly owned capital (67%) will be sold for cash. This will be the main focus for 2002.

b) Pensions

32. The implementation of the BiH Federation Law on the Organization of Pension and Invalid Insurance has seen significant progress. The two Pension Funds in the Federation (PIO Sarajevo and MIO Mostar) were merged according to a Decision imposed by me. The new single Pension Fund in the Federation started to function on 1 January 2002 and disbursed its first pension payments by the beginning of February.

c) Transport

33. BiH signed an agreement with the Central European Air Traffic Services (CEATS) on 14 September 2001. A contract with Croatia Control Limited to provide air traffic control services to BiH in the medium airspace became effective on 27 December 2001. Deployment of the State Border Service has been completed at Banja Luka and Mostar airports and a similar deployment at Tuzla airport will follow.

34. Both the RS and the BiH Federation governments recently passed Railway Laws. For the Federation, the law incorporates both the ZBiH (the former railway company of the legal Republic of BiH) and the ZHB (the railways of the illegal Croat statelet in BiH) under the new ZFBiH (Railways of the BiH Federation). In the road transport sector, the state government has now passed legislation on the Law on International and Inter-entity Road Transportation, which provides the basis for state level licensing and regulation of international and inter-entity truck and bus transport.

d) Energy

35. The implementation of the Power III project is progressing and the CoM has now adopted the State Electricity Law, which establishes a Regulatory Commission with powers over electricity transmission, as well as an Independent Service Operator and a Single Transmission Company. Entity laws that are currently being discussed at both parliamentary assemblies deal with power generation and distribution.

III ANTI-CORRUPTION AND TRANSPARENCY ISSUES

36. During the reporting period, my Office continued to work with international organizations and the RS authorities to implement the recommendations of the comprehensive audit carried out by the Supreme Audit Institution in early 2001. So far, five charges have been filed against former and serving officials of the RS Government. These five cases concern a total of approximately 300,000 KM (150, 000 Euro) which has been misappropriated from the RS budget.

37. On 6 November, I issued a Decision amending the Law on Banks in the Federation to allow provisional administrators of banks to make payouts of up to 5000 KM before they complete their final reports. According to the Federation Banking Agency, about 65, 000 small depositors in the Federation will be affected by this change. These amendments also enabled the Provisional Administrator of Hercegovacka Banka to start paying, in December 2001, the bank's small depositors whose savings had been frozen since the establishment of the provisional administration in April 2001.

IV MEDIA DEVELOPMENT

38. On 27 October 2001 the new Federation TV was launched. Significant measures have been taken by the management to enfranchise the Croats by improving the signal coverage and developing the Croat component of this new service. The Public Broadcasting Service (PBS) Founding Board appointed the top managers for the state-level PBS and my Broadcasting Agent has worked closely with these new managers to create a financially viable and journalistically professional public broadcasting system for whole of BiH.

39. Through their stringent licensing process, the Communications Regulatory Agency (CRA) has continued to take decisions in order to reduce the excessive number of broadcasters. At the time of writing, the appeal process was in its final phase and the CRA expected to finalize its decisions in the first quarter of 2002.

V RETURNS

40. In 2001, UNHCR registered the return of 92, 061 people to their pre-war homes in areas where their ethnic group is in minority. In contrast, the year 2000 –which was declared a breakthrough year-, saw only 67,445 of these "minority" returns. There has also been a promising rise in the level of cooperation between both Entities, in particular on information exchange regarding property repossessions and returns, together with the initiation of Entity-funded reconstruction projects. However, greater State-level and inter-Entity cooperation on return issues is necessary. My Office is now a regular member of the State Commission for Refugees, co-chaired by the UNHCR and the State Ministry for Human Rights and Refugees, in which both Entities participate. In this forum, issues of immense importance, including apartment privatisation, amendments to the property laws, and land allocation issues, have been constructively discussed. I am also encouraged by the Stability Pact's adoption of an Agenda for Regional Action under its Regional Return Initiative.

41. On funding issues, my office welcomes the shift towards projects such as the World Bank's Small and Medium Enterprises project, aimed at creating a sustainable economic environment for returns and reintegration. My Office is also interested in identifying funding for capacity-building programmes, to upgrade the institutional abilities of organisations that will ultimately assume full ownership of issues on which the international community currently remains engaged: including the State-level Ministry for Human Rights and Refugees, and municipal-level bodies throughout the country.

42. On 24 January I issued a Decision ensuring transparency in the allocation of funds for refugee return in the Entity budgets. It was issued in response to an application lodged by three (non-Serb) members of the RS Constitutional Commission who invoked vital national interest to veto the proposed 2002 RS budget. They maintained that insufficient funds had been allocated to returns to the RS in the 2002 budget, and that

funds allocated to minority returns in the 2000 and 2001 RS budgets had not been spent. Among other things, my Decision requires Entity Ministers to notify periodically the State Minister for Refugees on their expenditure on refugee return.

VI PROPERTY

43. According to Property Law Implementation Plan statistics, as of the end of 2001, the Federation has issued decisions on over 80% of all claims received, and has resolved nearly 50% of these claims. The RS has issued decisions on nearly 50% of all claims received, and has resolved just over 30%. Brcko District has issued decisions on just over 40%, and solved nearly 40%. Over all, in the whole of BiH, decisions have been issued on approximately 65% of claims made to date, while approximately 40% of all claimants have been able to repossess their property. Although progress is clearly being made, without a significant increase of the implementation rates, particularly in the RS, the process could still take up to four years to be completed.

44. With this scenario in mind, on 4 December 2001 I issued thirteen Decisions comprehensively amending the property laws of both Entities, together with an Instruction on the purchase of apartments in the Federation. The amendments reduce the possibility of manipulations and delays, allow for the speedier eviction of multiple occupants, and ensure the full right of refugees and displaced persons to "freely return to their homes of origin", as guaranteed by the Dayton Peace Agreement.

VII EDUCATION

45. The first informal tripartite meeting of Ministries of Education (MoE) from BiH, Croatia and FRY, took place on 20 November 2001 in the CoE, Strasbourg. Further co-operation has been agreed upon, including the establishment of expert teams for co-ordination and harmonisation of curricula, mutual recognition of school certificates and university diplomas, and preparations on signing bilateral protocols on education cooperation between the three countries to occur by May 2002.

46. Following the discovery of a number of textbooks containing anti-Dayton, or otherwise objectionable or improper materials, especially in RS, my Office launched a new phase of the textbook review. On 14 December 2001, the Entity MoEs signed a new Agreement on the textbook review, prepared by my Office, assuming the obligation to establish their own Standing Textbook Commissions that would be tasked with review of the textbooks produced in their own Entity as well of those from the other Entity.

47. On a positive note, since 3 September 2001, more than 10, 000 pupils in all Brcko District schools have been taught under harmonised curricula, prepared by ethnically integrated teaching staff and headmasters themselves, in ethnically integrated classes. It took only seven months to establish this system, and I am convinced that the Brcko model can be implemented anywhere in BiH where there is political will to do so.

VIII HUMAN RIGHTS ISSUES

1. - Human Rights institutions

48. Implementation of the Human Rights Chamber's decisions increased from 33% in late 1999 to 73% by the end of 2001. The Federation registered significant progress (implementation rate 92%), with high implementation of occupancy right cases and compensation awards. The RS (implementation rate 59%) also showed progress in regard to the payment of monetary compensation in some 10 cases, although the sums paid did not include interest charges as required by the Chamber. So far, the situation with respect to RS overall compliance is far from satisfactory.

2. - Social, Economic and Gender Rights

49. My Office, together with other members of the IC, continues to urge Cantonal and Federation Commissions to implement article 143 of the Federation Labor Law swiftly, issuing a deadline of 28 February 2002 for finding remedies to the current concerns. The IC Fair and Equal Employment Principles were prepared and the Fair Employment Practices Strategy Policy Paper was revised with input and co-ordination by my Office, during the reporting period. These Documents articulate standards for employment practices, outline mechanisms to ensure compliance with inclusive, non-discriminatory hiring practices within the public and the private sector, and encourage investors and donors to apply "conditionality" as a guiding principle in the implementation of their programmes.

50. As for the Inter-Entity Agreement on Health Care provision for insured persons irrespective of place of residence in BiH, my Office has also contributed to finalising it. This was signed on 3 December 2001.

51. The final version of the Draft BiH Law on Gender Equality was approved by the CoM on 7 February 2002, and has now been forwarded to the PA for consideration. With regard to victims of human trafficking, my Office continues to provide assistance to the relevant BiH authorities within the country-wide Plan of Action, especially in the ongoing legislative reform of criminal laws and the Law on Immigration and Asylum.

3. - International Criminal Tribunal for Yugoslavia (ICTY)

52. My Office has continued to work closely with ICTY to pressure the relevant authorities of BiH, especially those of the RS, to co-operate more efficiently with the Tribunal.

53. In light of the high profile war crimes prosecution against Ivo Lozancic and originally 14 other Bosnian Croats in the Zenica Cantonal Court, and the problems with respect

to domestic war crimes prosecutions this particular trial and other trials have highlighted, I am currently considering how to best address a future strategy of domestic war crimes prosecutions. This will be done through a Team of Expert Consultants, who will also address what would need to be done if future domestic war crimes cases were to be tried in the soon-to-be-established BiH Court. I am developing this strategy in response to the non-paper presented to me for comments in August 2001, by ICTY Chief Prosecutor (presented to the UN Security Council on 26 November 2001). The non-paper contained a proposal to remit ICTY cases to a Special Court, or develop an existing State court in BiH, as a possible exit strategy for ICTY. My strategy will ensure that ICTY's current concerns with the BiH judicial system with respect to war crimes prosecutions will be addressed, and our offices will work together to ensure that domestic war crimes prosecutions are expedited and meet high professional standards.

54. Other problems in relation to conducting domestic fair war crimes trials are in particular a general lack of professionalism in judicial and investigative work and the absence of a comprehensive witness protection programme. The latter issue is currently being worked on in the context of a new State Criminal Procedure Code, as a separate law on witness protection applicable to criminal cases in general.

4. - Civil Society

55. My Office has been actively engaged with supporting NGOs and reforming legislation to ensure a better environment for the development and vitality of civil society, which is essential for the consolidation of democracy in BiH. The State Law on Associations and Foundations came into force on 5 January 2002. The RS Law on Associations and Foundations was adopted and entered into force on 17 October 2001.

56. As part of my commitment to listen to the voices of citizens and help civil society gain greater influence in the political arena of BiH, I hosted four sessions of the Civic Forum in Sarajevo, Banja Luka and Mostar during the reporting period.

5. - Reconciliation issues and reconstruction of cultural monuments

57. My Office continues to facilitate dialogue between the three majority religious groups, focussing especially upon the reconstruction of destroyed religious monuments as a means of encouraging freedom of religious expression and facilitating returns. As directed by the Steering Board at its October 2001 meeting, my Office worked towards the adoption of laws, harmonised in both Entities and the Brcko District, on the Implementation of the Decision of the Annex 8 Commission to Preserve National Monuments. Brcko District passed its legislation in November 2001 and on 8 February 2002, I issued Decisions harmonizing the laws in the Federation and the RS. With these new laws, the Entity Ministries of Urban Planning, rather than municipal authorities, are responsible for issuing permits. The decision has

to be taken within 30 days whether to issue permit or not, thus prospectively avoiding delaying tactics and artificial obstacles.

58. With respect to other reconciliation activities and missing persons issues, the Foundation of Srebrenica/Potocari Memorial and Cemetery continues to work with the Family Associations to implement the development of the site I had designated for a memorial and cemetery. The Executive Board of the Foundation met in January to consider the proposal made by the Advisory Working Group to add the nearby Battery Factory site as a location for the memorial component. The Board decided to undertake a site assessment of the property and urge the Advisory Working Group to proceed without delay to plan for the burial of the remains which have been exhumed and prepared for interment. Even though few identifications have been made, it is expected that the process will accelerate during the spring and summer of 2002.

IX LEGAL ISSUES

1. - Criminal Law

59. Work has been ongoing on supporting legislation for the Court of BiH, the Law on which was imposed by me at the end of 2000. The supporting legislation includes a Criminal Procedure Code and a Criminal Code for the State level. The Ministry of Civil Affairs and Communications (MCAC) are in charge of the process and my Office has the leading role among the international community.

2. - Implementation of the BiH Constitutional Court's Decisions

60. The implementation of the four partial Decisions the BiH Constitutional Court passed in 2000 - including the so-called "Constituent Peoples' Decision" - is still in a crucial phase. The establishment of fair representation of all constituent peoples in all public institutions, the definition of vital interest and the vital interest protection system are the key questions in this process. The Entities' Constitutional Commissions proposed draft amendments to the respective constitutions. Several common sessions of both Commissions contributed to the achievement of substantially similar standards in both Entities.

61. At my request, the leaders of the main BiH parties (from both Entities) have met several times at the end of January and during the month of February with the aim of finding a compromise solution. I have insisted to them that it is essential that the political leadership of the country takes full ownership of the process, not resorting - as it is usual in this country- to the IC (or, in other words, the HR) to decide and impose the solution to their differences.

3. - Special parallel relations between the RS and the FRY.

62. Pursuant to Article 9 of the SPRA which provides for its due consultation, my Office is reviewing several draft Annexes to the Agreement on the Establishment of Special Parallel Relations between FRY and RS.

63. With regards to two draft Annexes on Statistics and Refugees, which had been submitted to my Office for consideration, I informed the RS Prime Minister and the Federal President of Yugoslavia on 31 January that I cannot permit the conclusion of these annexes, as they refer to matters that have to be dealt with at the State level between BiH and FRY.

4.- Other issues

64. The Federation Law on Citizenship was finally adopted in September 2001, after nearly three years of obstruction by local authorities. The adoption of this law is an important step, since many former SFRY citizens who took up permanent residence in BiH before 1998 became eligible to obtain BiH citizenship as of 1 January 2000. However, they were unable to exercise their right to do so in the absence of a Federation Citizenship Law.

X SECURITY AND DEFENCE ISSUES

1. - Defence and military reform

65. The successful development of the Secretariat of the Standing Committee on Military Matters (SCMM-Sec) has continued to deliver results, especially in terms of co-ordination. Most recently, team-building workshops involving the three Military Advisors of the BiH Presidency members, and their staffs, have helped to accelerate progress with the defence portion of the BiH Security Policy that is currently being developed.

66. Following the adoption of the BiH Defence Policy by the BiH Presidency, the key challenge remains to ensure that the State authorities move forward in implementing it, especially in terms of enhancing and developing the State-level structures and procedures.

2. - De-mining

67. Progress in de-mining activity is still frustratingly slow: according to the last official report, only 12% of the area of risk within BiH had been surveyed, and only 9% of the resultant surface requiring de-mining had been cleared. The main reasons for the poor result are the reduction in funding from the IC, (although there are indications that this is improving) and the lack of an overall de-mining strategy owned by the BiH authorities.

68. The Joint Chairs of the Board of Donors, together with the BiH authorities have now made a key step forward politically. The first De-mining Law in BiH was adopted on 12 February 2002. This law establishes a single de-mining structure at the State-level. It is important to note that both the BiH and Entity governments have budgeted to participate formally in de-mining activities in the next fiscal year. Moreover, the BiH de-mining authorities will produce a comprehensive De-mining Programme by March 2002. These activities are helping to increase the confidence of the donor community, and should result in increased funding for de-mining in BiH throughout 2002.

XI STREAMLINING OF INTERNATIONAL CIVILIAN PRESENCE IN BiH

69. At its meeting on 6 December 2001, the PIC SB PDs endorsed my Draft Action Plan, including the concept of policy coordination Task Forces on Rule of Law, Institution Building, Economic Policy, and Return and Reconstruction, as well as a Situation Group. At the top of the structure there is a Cabinet of lead agencies chaired by the High Representative. The Plan also integrates the necessary mechanisms to to implement partnership between the IC and the BiH authorities at different levels. The main one is the Consultative Partnership Forum. My Office worked to prepare a refined version of the Action Plan, including an assessment of matching multi-year funding requirements, and options for the follow-on police mission, for presentation to the SB PDs' meeting scheduled for 28 February 2002.

United Nations S/2002/210

Security Council

Distr.: General
27 February 2002

Original: English

Letter dated 27 February 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Finland to the United Nations addressed to the Secretary-General

Pursuant to Security Council resolution 1386 (2001), in which the Council called upon Member States to contribute personnel, equipment and other resources to the International Security Assistance Force in Afghanistan, I am pleased to inform you that the Government of the Republic of Finland decided on 21 January 2002 to participate in the Force with a maximum of 50 civil-military cooperation and liaison officers.

The Government's decision authorizes the Finnish contingent to participate in the Force for the first three months, the period during which the United Kingdom of Great Britain and Northern Ireland is serving as the lead nation of the Force. Thereafter, the Finnish participation will be reconsidered.

The Finnish contingent (46) arrived in Kabul on 11 and 12 February 2002 and has been fully operative since 16 February 2002.

I would appreciate it if the present letter could be circulated as a document of the Security Council.

(*Signed*) Anne **Meskanen**
First Secretary
Chargé d'affaires a.i.

02-26612 (E) 280202

United Nations S/2002/211

Security Council

Distr.: General
28 February 2002

Original: English

Letter dated 27 February 2002 from the Secretary-General to the President of the Security Council

I have the honour to convey the attached communication, dated 20 February 2002, from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-26689 (E) 010302

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Annex

Letter dated 20 February 2002 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

In his statement of 4 November 1994 (S/PRST/1994/64), the President of the Security Council requested that the International Atomic Energy Agency (IAEA) continue to report to the Council on the implementation of the Safeguards Agreement with the Democratic People's Republic of Korea. I last wrote to you on this subject on 2 February 2001. As a follow-up to that letter, I now enclose a copy of my report (GC(45)/26 of 6 August 2001) submitted to the General Conference of IAEA at its forty-fifth regular session, and of resolution GC(45)/RES/16 adopted by the Conference on 21 September 2001.

Since my letter of 2 February 2001, IAEA has maintained a continuous inspector presence in Nyongbyon to monitor the freeze of the Democratic People's Republic of Korea's graphite moderated reactors and related facilities foreseen in the Agreed Framework of October 1994 between the Democratic People's Republic of Korea and the United States of America. The Democratic People's Republic of Korea continues to accept IAEA verification activities solely within the context of the Agreed Framework and not under the Safeguards Agreement. That Agreement is binding and remains in force.

The IAEA Safeguards Implementation Report for 2000, issued in May 2001, pointed out the continuing inability of IAEA to verify the correctness and completeness of the Democratic People's Republic of Korea's initial declaration of nuclear material and hence its inability to conclude that there has been no diversion of nuclear material in that country.

In May 2001, IAEA proposed concrete steps to be taken towards the verification of the initial declaration and expressed its readiness to start the relevant activities as early as possible. At a technical meeting in November 2001 the Democratic People's Republic of Korea did not agree to begin implementing the Agency's concrete proposals for the verification of the correctness and completeness of its initial declaration, citing the delay in implementation of the Agreed Framework between the United States and the Democratic People's Republic of Korea as the principal reason for declining. It should be kept in mind that the work required to verify that all nuclear materials subject to safeguards in the Democratic People's Republic of Korea had been declared to IAEA could take 3 to 4 years to complete with full cooperation on the part of the Democratic People's Republic of Korea.

The IAEA General Conference, in September 2001, adopted resolution GC(45)/RES/16, in which it once more expressed deep concern over the continuing non-compliance of the Democratic People's Republic of Korea with its Safeguards Agreement. The General Conference again noted that IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea, and urged the Democratic People's Republic of Korea to comply fully with its Safeguards Agreement. It also strongly encouraged the Democratic People's Republic of Korea to respond positively and at an early date to the detailed proposal for the first concrete steps needed for the implementation of the generic requirements for the

verification of the correctness and completeness of the Democratic People's Republic of Korea's initial declaration.

I should be grateful if you would bring this letter and its enclosures to the attention of the Security Council, to which I will continue to report developments.

(*Signed*) Mohamed **ElBaradei**

Enclosure I

International Atomic Energy Agency
GENERAL CONFERENCE

GC(45)/26
6 August 2001

GENERAL Distr.
Original: ENGLISH

Forty-fifth regular session of the General Conference
Item 21of the provisional agenda
(GC(45)/1)

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Report by the Director General to the General Conference

1. In resolution GC(44)/RES/26 of 22 September 2000, the General Conference, inter alia, decided to include in the agenda for its forty-fifth regular session an item entitled:

> "Implementation of the Agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear weapons."

This report provides information to the General Conference in its consideration of this agenda item.

THE SITUATION PREVAILING AT THE TIME OF THE FORTY-FOURTH REGULAR SESSION OF THE GENERAL CONFERENCE

2. The Director General's report (GC(44)/16 of 04 August 2000) to the General Conference in 2000, noted that the Agency was continuing to monitor the freeze on the DPRK's graphite-moderated reactors and related facilities. In April 2000, the US and the DPRK team had completed the canning of the fuel rods, which could be retrieved from the spent fuel pond of the 5MWe Experimental Reactor. Nevertheless, co-operation efforts from the DPRK had remained limited. Although two further rounds of technical discussions with the DPRK had resolved some day-to-day problems, no progress had been made on a number of important issues, which had remained outstanding since the Agency had started to monitor the freeze in November 1994. Such issues included the preservation of information required for verifying the accuracy and completeness of the DPRK's initial declaration under its safeguards agreement (INFCIRC/403); the DPRK's refusal to accept certain safeguards measures at its reprocessing plant; and, the limitations imposed on inspectors' access to

technical support buildings at facilities subject to the freeze. Furthermore, the DPRK had not permitted the Agency to measure the total amount of plutonium contained in the spent fuel rods from the 5MWe reactor. In his report, the Director General also noted that no agreement had been reached on any of these outstanding issues, and he expressed particular concern with regard to the preservation of all information required for the verification of the DPRK's initial declaration. In this context, the report of the Director General mentioned that in case of a country with significant nuclear facilities, the verification process could take a number of years to complete. Furthermore, the report made clear that, as foreseen in the "Agreed Framework" between the DPRK and the United States of October 1994, the DPRK must come into full compliance with its safeguards agreement when a significant portion of the LWR project would be completed, but before the delivery of the key components. This would of course require that the DPRK co-operate with the Agency to allow verification of the correctness and completeness of the DPRK's initial declaration. In his report, the Director General also noted that pursuant to the "Agreed Framework", construction work on the LWR project started in February 2000. In light of these developments, the Director General reiterated again the wish of the Secretariat for progress concerning the outstanding issues.

3. Pursuant to the Director General's report in document GC(44)/16, the General Conference adopted resolution GC(44)/RES/26. This resolution noted with continuing concern that although the DPRK remains a party to the NPT, the Agency continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the DPRK and is therefore unable to conclude that there has been no diversion of nuclear material in the DPRK. It also urged the DPRK to come into full compliance with its safeguards agreement with the Agency, to co-operate fully and promptly with the Agency in the implementation of the safeguards agreement, and to take all steps that the Agency may deem necessary to preserve all information relevant to verifying the accuracy and completeness of the DPRK's initial report on the inventory of nuclear material subject to safeguards until the DPRK comes into full compliance with its safeguards agreement.

DEVELOPMENTS SINCE THE FORTY- FOURTH REGULAR SESSION OF THE GENERAL CONFERENCE

4. Since last year's General Conference, the Agency has continued to maintain a continuous inspector presence in the DPRK to monitor the freeze and has also been focusing on the preparatory work related to the verification of the correctness and completeness of the DPRK's initial declaration. Two further rounds of discussions have taken place in Vienna from 6 to 9 November 2000, and in the DPRK from 23 to 25 May 2001. There have been no major developments that would necessitate modifying the assessments, which the Director General gave to the Board of Governors in December 2000, March 2001, and June 2001. The Agency is still unable to verify the correctness and completeness of the initial report of nuclear material made by the Democratic People's Republic of Korea (DPRK).

5. During the two rounds of technical discussions referred to above, the DPRK agreed to the resolution of some day-to-day problems. For example, the repackaging of slags and ashes containing uranium for long-term safe storage at the fuel rod fabrication plant has been completed. The DPRK has also provided access for Agency inspectors to certain technical buildings at facilities subject to the freeze, an activity that had been pending for a long time. In addition, with regard to the issue of preservation of information for verification of the

DPRK's initial declaration, the Agency inspectors have been shown some technical records kept at facilities subject and not subject to the freeze. A request that the records be placed under Agency seal has so far been rejected by the DPRK. The Agency reiterated to the DPRK its requirements regarding the preservation of information and action now rests with the DPRK. In addition, the DPRK has continued to restrict the implementation of important safeguards measures, e.g. at the reprocessing plant.

6. At the technical discussions held in May 2001, the Agency presented a detailed proposal for the verification of the correctness and completeness of the DPRK's initial declaration with respect to the Isotope Production Laboratory (IPL) and the verification of plutonium in spent fuel stored in canisters at the 5MWe reactor facility. These constitute the first concrete steps that need to be taken in the implementation of the generic requirements for the verification of the correctness and completeness of the DPRK's initial declaration which had been presented during the technical meetings in November 1999 and May 2000. The Agency hopes that it will be soon able to begin implementing these first steps and anticipates that completing of this task should take up to one year. It may be recalled that at the December 2000 Board Meeting, the Director General indicated "that the work required to verify that all nuclear materials subject to safeguards in the DPRK have been declared to the Agency and placed under safeguards will take 3-4 years, and will require full co-operation on the part of the DPRK".

7. During the technical discussions the Secretariat has stated its readiness to start this work without delay so as to be able to verify compliance by the DPRK with its safeguards agreement at an early date.

Enclosure II

International Atomic Energy Agency
GENERAL CONFERENCE

GC(45)/RES/16
September 2001

GENERAL Distr.
ENGLISH

Forty-fifth regular session
Item 21 of the agenda
(GC(45)/28)

IMPLEMENTATION OF THE NPT SAFEGUARDS AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Resolution adopted on 21 September 2001 during the ninth plenary meeting

The General Conference,

(a) Recalling the Board of Governors' resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711 and GOV/2742 and General Conference resolutions GC(XXXVII)/RES/624, GC(XXXVIII)/RES/16, GC(39)/RES/3, GC(40)/RES/4, GC(41)/RES/22, GC(42)/RES/2, GC(43)/RES/3 and GC(44)/RES/26,

(b) Noting with concern the lack of substantive progress reflected in the Director General's report contained in document GC(45)/26 and his introductory statement of 10 September 2001 to the Board of Governors, while recognizing the resolution of some day-to-day problems,

(c) Recalling further resolution 825 (1993) adopted by the Security Council of the United Nations on 11 May 1993 and 31 March 1994, 30 May 1994 and 4 November 1994 statements by the President of the United Nations Security Council, particularly the request to take all steps the Agency deems necessary to verify full compliance by the Democratic People's Republic of Korea (DPRK) with its safeguards agreement with the Agency,

(d) Noting that the DPRK is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and reaffirming that the IAEA-DPRK safeguards agreement (INFCIRC/403) under the NPT remains binding and in force,

(e) Noting also the stated intention of the DPRK to come into full compliance with the safeguards agreement and the continuing IAEA-DPRK discussions on outstanding safeguards issues,

(f) Noting with regret that in these discussions no substantive progress has been made on important issues including the preservation of information and that the DPRK has continued to restrict the implementation of important safeguard measures,

(g) Noting that additional factors, as described in the Director General's report contained in document GC(44)/16 and in his introductory statement of December 2000 to the Board of Governors, further underline the need for full and timely co-operation by the DPRK with the Agency in regard to the verification of the completeness and correctness of the DPRK's initial declaration,

(h) Regretting the withdrawal of the DPRK from the Agency, welcoming the DPRK's participation in recent events involving the Agency and expressing the hope that such participation will eventually lead the DPRK to rejoin the Agency,

(i) Welcoming the presentation by the Agency of a detailed proposal for the first concrete steps needed for the implementation of the generic requirements for the verification of the correctness and completeness of the DPRK's initial declaration and further welcoming the Secretariat's stated readiness to begin this work without delay, and

(j) Noting recent political developments in north-east Asia and expressing the hope that they will open the way to progress towards full implementation of the relevant agreements,

1. Strongly endorses actions taken by the Board of Governors and commends the Director General and the Secretariat for their impartial efforts to implement the IAEA-DPRK safeguards agreement;

2. Recognizes the important role of the IAEA in monitoring the freeze of nuclear facilities in the DPRK and commends the Secretariat for its continuous efforts to monitor the freeze of specified facilities in the DPRK as requested by the United Nations Security Council;

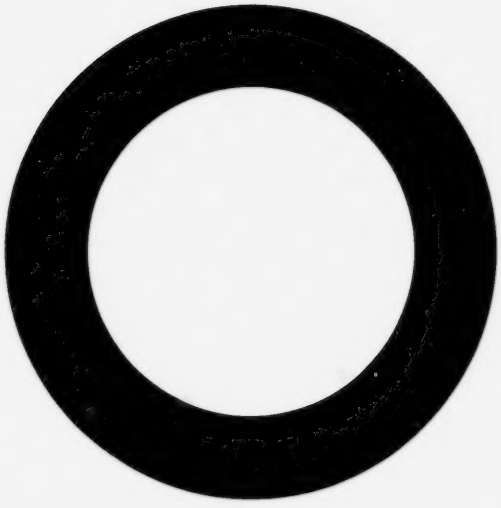
3. Notes with continuing concern that, although the DPRK is a party to the NPT, the Agency continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the DPRK and is therefore unable to conclude that there has been no diversion of nuclear material in the DPRK;

4. Expresses deep concern over the continuing non-compliance of the DPRK with the IAEA-DPRK safeguards agreement;

5. Urges again the DPRK to comply fully with its safeguards agreement, including all steps the Agency deems necessary to preserve all information relevant to verifying the correctness and completeness of the DPRK's initial declaration;

6. Encourages strongly the DPRK to respond positively and at an early date to the Agency's detailed proposal for the first concrete steps needed for the implementation of the generic requirements for the verification of the correctness and completeness of the DPRK's initial declaration; and

7. Decides to remain seized of this matter and include in the agenda for its forty-sixth regular session an item entitled "Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea".



United Nations S/2002/212

Security Council

Distr.: General
28 February 2002
English
Original: French

Letter dated 26 February 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the following document issued on 18 February 2002 by the European Union, containing the conclusions of the General Affairs Council, Western Balkans, Brussels, 18 February 2002 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Permanent Representative of Spain to the United Nations

02-26695 (E) 280202 010302

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Annex to the letter dated 26 February 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

[Original: English]

WESTERN BALKANS

– ***INTERNATIONAL POLICE TASK FORCE (IPTF) FOLLOW-ON - Council conclusions***

"1. Recalling its conclusions of 28 January 2002, the Council announced the EU's readiness to ensure, by the 1st of January 2003, the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH). In order to ensure a successful follow-up to the UN IPTF, the EU's aim would be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The EU Police Mission (EUPM), supported by the European Community's institution building programmes, would contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the EU overall's policy in the region, notably the Stabilisation and Association Process.

2. In line with the general objectives of Annex 11 of the Dayton Agreement, the mission would establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, should achieve its goals by the end of 2005.

3. Recalling that the EU sees the future of BiH lying in integration into the European structures, the Council expressed its willingness to appoint as the EU Special Representative in BiH (EUSR) the next High Representative in BiH. He would maintain an overview of the whole range of activities in the field of the Rule of Law, and in that context provide advice to the Secretary General/High Representative (SG/HR) and the Commission as necessary. The PSC would exercise the political control of and provide strategic direction to the mission.

4. The Council stressed the importance of a seamless transition between the UNIPTF and the EUPM, and, in this respect, underlined the central role of the Police Commissioner to be designated.

5. The Council invited the Presidency, assisted by the SG/HR, to inform the international community of the EU's readiness to establish the EUPM, and to continue to co-ordinate with the UN and to consult with relevant organisations, in particular NATO and the OSCE.

6. Appropriate contacts with the Government of Bosnia-Herzegovina and the relevant authorities will be established.

7. The financing of the EUPM is set out in Annex IV.

8. Acknowledging the valuable contributions other States have made to UNIPTF, the Council agreed to invite, in the first instance, the non-EU European NATO members and other States which are candidates for accession to the EU, as well as other non-EU OSCE Member States currently contributing to IPTF, to make offers of contributions, in due course, for the EUPM. In order to ensure necessary consultation, the Council invited the PSC to hold meetings, as soon as possible, with these potential contributors, in accordance with the procedures set out in the relevant annex.

9. The mission statement, the chain of command, the co-ordination and financing arrangements, as well as the modalities for third States contributions to the EUPM are described in the annexes attached to these conclusions.

10. The Council invited its competent bodies to continue work on the EUPM and to prepare the necessary legal instruments in view of its meeting of 11 March 2002."

ANNEX I

EU POLICE MISSION IN BIH : MISSION STATEMENT

The following outlines the Mission Statement for the EU Police Mission (EUPM) that will follow-on UN IPTF as a part of the EU overall support to the Rule of Law sector in BiH.

I. Political/Strategic level

1. The proposed mission statement for a possible police operation would include:

2. The EU Police mission (EUPM), supported by the European Commission's institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. To do so, this three-year EUPM should be entrusted with the necessary authority and concentrate on the following goals:

   - to preserve, through continuity with the achievements of the IPTF mission, the existing levels of institutional and personal proficiency;
   - to enhance, through monitoring, mentoring and inspecting, police managerial and operational capacities; to this end, to focus on delegation of power and quality-oriented management principles as well as improving operational planning capacity based on analysis;
   - to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions;
   - and to monitor the exercise of appropriate political control over the police.

3. The mission will not include executive powers or the deployment of an armed component.

II. Objectives at operational level:

4. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, and working as an integral part of the broader rule of law approach, should achieve the goals set out above by the end of 2005, by ensuring that the BiH police services will:

   - Act in a professional manner and in accordance with relevant legislation and regulations
   - Be free of political interference, and led by an apolitical, qualified and accountable personnel
   - Possess the integrity, knowledge and means to perform their duties in a transparent and objective manner
   - At ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard
   - Ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline

- Be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues.

- Effectively manage personnel and resources within an affordable and appropriate institutional framework

- Standardize data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system

- Develop police co-operation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building)

- Undertake criminal investigations of corruption cases regardless of political implications

- Be capable of investigating and countering the full range of criminal activities, including organized crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system

- Develop, in close cooperation with SFOR, specialized information sharing in support of the state level capability and other appropriate authorities

- Possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias

- Enter into constructive co-operation with police services of neighbouring States (SAP States) and EU Member States.

III. Methodology :

5. It should be noted that the effectiveness of a EUPM pursuing a management approach will directly depend on the expertise of the personnel and ability to retain continuity and institutional memory. For this purpose, it is strongly recommended that qualified personnel is identified and each seconded for a minimum of one year.

6. In order to achieve the above-mentioned objectives by the end of 2005, the EUPM should:

- Co-locate the international police alongside Commanders at the various Entities, Public Security Centres (PSCs), Cantons, Brcko district, State Intelligence Protection Agency (SIPA) and State Border Service (SBS) at medium and senior levels of the BiH Police

- Be able to remove from offices non compliant officers, through a recommendation by the EU police Commissioner to the High Representative.

- Coordinate with the Office of the High Representative in the furtherance of the International Community overall objectives in the field of the rule of the law, as well as with other Organizations within the International Community, as appropriate

- Liaise with SFOR on public security issues including for ensuring SFOR support in extremis.

ANNEX II

EU POLICE MISSION IN BIH : CHAIN OF COMMAND

The structure of the EU Police Mission, as part of the broader EU Rule of law follow-up in Bosnia and Herzegovina, would have to include a unified EU chain of command, as a crisis management operation.

Without prejudice to the relevant provisions of the Dayton Agreement and its annexes:

- The Special Representative of the EU would report to the Council through the SG/HR,
- The PSC would provide the political control and strategic direction,
- The Police Commissioner would lead the mission and assume its day-to-day management,
- The Police Commissioner would report to the SG/HR through the Special representative,
- The SG/HR would give guidance to the Police Commissioner through the Special representative.

ANNEX III

EU POLICE MISSION IN BIH : CO-ORDINATION ARRANGEMENTS

1. The Council expressed its willingness to appoint the High Representative in Bosnia and Herzegovina as the European Union Special Representative in Bosnia and Herzegovina (EUSR). In doing so, the EU would convey a clear message that Bosnia and Herzegovina's future lies in integration into European structures, building on the Stabilization and Association process. He would maintain an overview of the whole range of activities in the field of the Rule of Law and in that context provide advice to the SG/HR and the Commission as necessary. The role of the EUSR would not in any way prejudge the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to the activities of all civilian organisations and agencies as set out in the Dayton Peace Agreement and subsequent Peace Implementation Council decisions. As part of his wider responsibilities, the EUSR would have authority to give direction, as necessary, to the police commissioner while reporting to the Council through the SG/HR. The PSC would exercise political control of and provide strategic direction to the EU Police mission. The PSC would be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Police Commissioner as necessary.

2 In order to ensure a successful follow-up to the UN IPTF in Bosnia and Herzegovina, the EU's aim must be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. To this end, coordination arrangements are required in both Sarajevo and Brussels.

3. An informal Joint Coordination Group would be set up in Sarajevo. It would include representatives of the EU Police Mission and of the Commission's Delegation in Sarajevo dealing with the CARDS programme. This group would meet regularly and exchange information on the planning and implementation of complementary projects, and bring anything requiring their attention to the notice of the Presidency, the SG/HR and the Commission in Brussels, and help define EU positions to be presented within the OHR Task Force on the Rule of Law.

4. Co-ordination in Brussels between the Council Secretariat and the Commission with involvement of the Presidency would continue to take place within an informal Task Force. In terms of presentation of progress reports to the Council and its bodies, the normal rules of representation and co-ordination would apply.

5. In accordance with the CARDS Council Regulation (EC) n° 2666/2000 of 5 December 2000, the Commission would consult the High Representative in Bosnia and Herzegovina on the implementation of Community assistance. The Commission would also ensure effective co-ordination of the Community's and Member States' assistance efforts and encourage co-ordination and co-operation with the IFI's, UN and other donors.

6. Neither the above arrangement, nor the possible double-hatting of the new High Representative in Sarajevo as an EUSR, would affect the continued responsibility, as set out in the Treaty, and emphasised in recent reports by the Court of Auditors, of the Commission for CARDS/First Pillar activities, which would not be subject to the chain of command of an ESDP-operation.

ANNEX IV

EU POLICE MISSION IN BIH : FINANCIAL ASPECTS

1. The costs of the operation are estimated at:
   - 14 million euro start-up costs (including equipment) for 2002
   - up to 38 million euro yearly running costs for 2003-2005, divided as follows
     - up to 17 million for per diem depending on the daily rate set and 1 million for travel costs
     - 11 million operational running costs, 4 million for local staff, 5 million for international civilian staff
   - salaries of seconded police officers and other possible secondees will be covered directly by sending states, including non EU-contributors.

2. The start-up costs at 14 million euro can be financed within the CFSP-budget 2002, taking into account the 10 million already foreseen and the possibility of redeployment between existing priorities within the CFSP budget 2002.

3. Regarding the yearly running of the operation, the Council agreed that the 17 million euro for per diems and the 1 million euro for travel costs will be financed on a costs lie where they fall basis. The remainder of 20 million euro should be financed through the CFSP-budget. With the present level of funding within the CFSP budget, 10 million euro annually could be assigned for the yearly running costs for the period 2003 – 2005. Therefore an increase in the CFSP-budget for the years 2003-2005 would be needed to cover the foreseen 10 million euro gap. The Commission stated that it will re-examine its budget proposals for 2003 in this light The Presidency will consult the European Parliament on this matter. During the whole budget procedure for 2003 the financing of the EUPM will be one of the Council's priorities.

4. Should the financing of the CFSP-budget not be sufficient, the Council would decide, in accordance with the provisions of the Treaty, how to cover any remaining gap, which would consist of common costs.

5. The financial arrangements will respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

6. Establishing the financial arrangements for EUPM the Council notes the financial limits of the CFSP budget.

7. It is understood that the proposed financing arrangement will constitute no precedent for future ESDP-operations.

ANNEX V

EU POLICE MISSION IN BOSNIA-HERZEGOVINA : MODALITIES FOR CONTRIBUTION OF THIRD STATES

I. General Considerations

1. Taking into account the valuable contributions other States have made to IPTF, as well as the conclusions of the Nice and Göteborg European Councils, the Council decided that non EU States would be invited to contribute to an EU Police Mission in Bosnia-Herzegovina.

2. The Council decided that, in first instance, non-EU European NATO members and other candidate countries for accession to the EU as well as other non-EU OSCE Member States currently contributing to the IPTF would be invited to make offers of contributions.

3. The decision-making autonomy of the EU and the single institutional framework of the Union will be fully respected.

4. A significant majority of the police officers should be provided by EU member States. This also applies to other international staff. An early decision on the number/percentage of police officers to be provided by EU member States will be taken and third States briefed in order to guide their possible contributions.

II. Consultations

5. Contacts with the agreed range of third countries would immediately be established in order to inform them and to have a clear picture of their interest and potential contributions.

6. For the non-EU NATO members and other countries which are candidates for accession to the EU, Annex II of Göteborg provides that the EU+15 format could serve "for consultation, in view of possible contributions to a mission, in the period leading up to a decision of the Council to launch a police operation".

7. Some third States not part of the 15 already make valuable contributions to the IPTF mission. Annex II of Göteborg provides that "in order to facilitate co-operation in this field with a broad range of potential partners, i.a. Russia, Ukraine, other European States with which the Union maintains political dialogue, and other interested States such as Canada, police could be included in the dialogue, co-operation and consultation on ESDP issues with the countries concerned within the framework of existing arrangements".

8. Building upon arrangements established in Göteborg, consultations would be conducted by PSC with the identified potential contributors. Informal contacts of Presidency/Secretariat with these States, individually or collectively, will take place as necessary, in particular to ensure follow-up of meetings (information, precision on their potential contribution to personnel and financing,...).

9. Potential contributors would be provided with information on the approximate share of the mission staff open to contributions from third States as well as the required profile of this staff. For this purpose, EU member States should, as a matter of highest priority, decide on the size and character of the contributions they are ready to make to the Police Mission. This would require as a first step that the profiles of the staff required be established urgently by the Head of the planning team. When there are firm indications on what contributions EU member States would make to the mission, the Head of the planning team would identify the number and type of personnel expected from third States, and inform them accordingly. At this stage of the process there might be a need for intensification of contacts in the appropriate format, in particular at expert level, with third States.

10. The contributions offered by third States would be assessed on the basis of requirements set by the EU for this specific mission. Contributions offered by third States would have to fit those criteria. Subsequently, the EU would decide to accept the offers considered appropriate.

11. Future contributors from third States would be invited, as appropriate, to briefings at expert level (in Brussels or on the ground, depending on the actual location of the planning team) in order to inform them of how the preparation is proceeding and to allow them to adequately prepare their respective national contributions to the EU Police Mission. As needed, the Head of the planning team would participate in those meetings.

III. Operational Phase

12. According to annex II of Göteborg,"Third States, which are making significant contributions to the EU mission, will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation".

13. Micro-management of the EU Police Mission from Brussels should be avoided. In view of this, involvement in day-to-day management of the operation of third States which make significant contributions should take place on the ground, including within the police mission HQ, and taking into account, inter alia, relevant lessons learned from EUMM.

14. When the need arises, experts meetings could be held in Brussels. During the course of the operation the PSC may conduct consultations with representatives of third States which make contributions to the mission.

15. The decision by the EU to end the operation will be made following consultation with the contributing States."

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General Assembly
Fifty-sixth session
Agenda items 62 and 117

Security Council
Fifty-seventh year

Question of Cyprus

Elimination of racism and racial discrimination

Letter dated 27 February 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 27 February 2002 addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda items 62 and 117, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 27 February 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made by the representative of the Greek Cypriot administration to the Third Committee on 28 January 2002, under agenda item 117, "Elimination of racism and racial discrimination", which contains false allegations against the Turkish Republic of Northern Cyprus. Since the Greek Cypriot side is habitually utilizing every opportunity to distort facts pertaining to the question of Cyprus in every international forum where the Turkish Cypriot side is denied lawful representation, I am compelled to respond, once again, in writing in order to put the record straight.

Representatives of the Greek Cypriot administration refer repeatedly to the Turkish Republic of Northern Cyprus as an "occupied area". I wish to emphasize that the only "occupation" in Cyprus is the 38-year-long usurpation and continued occupation of the seat of the "Government of the Republic of Cyprus" by the Greek Cypriot side. The Cyprus question did not come about as a result of Turkey's intervention in 1974, as alleged by the Greek Cypriot side, but was created in December 1963 when the Greek Cypriot wing of the Republic of Cyprus destroyed, by force of arms, the 1960 partnership Republic, forcefully ejecting the Turkish Cypriots from all State organs and subjecting them to persecution and discrimination. The fact that a United Nations peacekeeping force was dispatched to the island in March 1964 confirms that the Cyprus question began in 1963 with the Greek Cypriot onslaught on defenceless Turkish Cypriots throughout the island.

During the tragic years between 1963 and 1974, the Greek Cypriots carried out a brutal campaign of ethnic cleansing against the Turkish Cypriots, pushing them into enclaves throughout the island. Mosques, shrines and other places of worship in 103 villages and towns were destroyed. The report of the Secretary-General to the Security Council of 10 September 1964 (S/5950 and Corr.1) underlined that the Turkish Cypriot areas were kept under a "veritable siege".

The Greek Cypriot representative has alleged that the Turkish Cypriots and Greek Cypriots have been separated since 1974 and that the issue of displaced persons in Cyprus came about in 1974, affecting only the Greek Cypriot side. In fact, the issue of displaced persons came about when one fourth of the Turkish Cypriot population was rendered homeless as from December 1963 when they had to flee for their lives as a result of the Greek Cypriot onslaught. In 1974, as a result of the Greek coup d'état, 65,000 Turkish Cypriots fled to the North to seek refuge in safer areas. It should be recalled that the question of displaced persons was settled through the Voluntary Exchange of Populations Agreement reached between the two sides at the third round of talks, held at Vienna in 1975. The Agreement was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus.

The Greek Cypriot administration bears full responsibility for the blatant violation of human rights of the Turkish Cypriots since 1963. In their everyday life, Turkish Cypriots have been subjected to inhuman embargoes by the Greek Cypriot administration in the social, cultural, economic and political fields. These embargoes range from prohibitions put on the simplest forms of transactions of the Turkish Cypriot people with the outside world to the most fundamental issues such

as freedom of travel and communication and representation at all international forums. In line with these inhuman measures, the Greek Cypriot authorities have been punishing everyone, including tourists, for engaging in trade with Turkish Cypriots; refusing entry to tourists who wish to cross to South Cyprus from the North; arresting the captains of ships which call at Turkish Cypriot ports before arriving at Southern ports; and continually threatening the countries which enter into economic, social, cultural, educational or sporting activities with the Turkish Republic of Northern Cyprus.

Against this background, we hope that the international community will strongly urge the Greek Cypriot administration to abandon its policy of discrimination against the Turkish Cypriot people and to remove the above-mentioned embargoes. This would be in line with the spirit of the direct talks currently under way between the two States in Cyprus. In order to facilitate the process of reconciliation in Cyprus, the Greek Cypriot side should stop pretending that it represents the island as a whole and refrain from exploiting international forums against the Turkish Republic of Northern Cyprus and Turkey.

I should be grateful if the present letter were circulated as a document of the General Assembly, under agenda items 62 and 117, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 28 February 2002 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I have been instructed to bring the following to your urgent attention. Today, as part of the ongoing Israeli escalation of terror being waged against the Palestinian people, Israeli occupying forces, backed by tanks and helicopter gunships, launched a major assault on refugee camps in the Occupied Palestinian Territory. In the Balata refugee camp near Nablus, Israeli occupying forces fired heavy machine guns and fired missiles into the refugee camp, cutting off power and plunging the camp into complete darkness. Also, dozens of Israeli tanks entered the city of Jenin from three directions and surrounded a refugee camp, shooting from tank-mounted machine guns and helicopter gunships. Furthermore, Israeli occupying forces attacked the Aida refugee camp in Bethlehem as well as the Khan Yunis and Rafah refugee camps in the Gaza Strip.

This latest Israeli criminal aggression resulted in the killing of 11 Palestinians and the injury of more than 100 Palestinians, some of them critically. It also caused physical destruction and devastation to Palestinian buildings and infrastructure, all located in densely populated refugee camps, endangering the lives of thousands of Palestinians, threatening to lead to a massacre of Palestinian refugees. These new war crimes committed by Prime Minister Sharon and his government illustrate their complete disregard for the lives of Palestinian civilians, including women and children.

Also, on Sunday, 25 February 2002, Israeli occupying forces opened fire on a car at a checkpoint near the Balata refugee camp in Nablus, seriously wounding a pregnant Palestinian woman on her way to the hospital to give birth. The very next day, 26 February 2002, at the same Israeli checkpoint, Israeli occupying forces opened fire at another Palestinian car, killing Mr. Mohammed Hayek, critically injuring his father and wounding his pregnant wife as they too were rushing to the

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hospital. These war crimes are clearly correlated with the recent decision by the Israeli government to escalate its bloody military campaign against the Palestinian people.

We hold Prime Minister Sharon and his government fully responsible for the above-mentioned crimes and other violations committed, especially those constituting war crimes and State terrorism, against the Palestinian people. The international community, particularly the Security Council, cannot stand idly by while the Israeli occupying forces continue to carry out this bloody military campaign against the Palestinian people and the Palestinian Authority. During the Security Council debate regarding the grave situation in the Occupied Palestinian Territory, including Jerusalem, which convened on 21, 26 and 27 February 2002, the broad participation of Member States of the United Nations reflected the seriousness of the situation and the grave danger facing the Palestinian population. We therefore reiterate our call for the Security Council to take immediate and necessary action to bring all Israeli violations against the Palestinian people to an immediate end and to provide the necessary protection for the Palestinian civilians.

In follow-up to our previous 100 letters to you regarding the crisis situation in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 21 February 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/126; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-

S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182 and A/ES-10/149-S/2002/190), I regret to inform you that, since my letter to you, Israeli occupying forces have killed more than 18 Palestinians and have incurred more than 100 injuries, many severe and permanent, among the Palestinian people.

I would be grateful if you would arrange to have the text of the present letter distributed as an official document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Marwan **Jilani**
Chargé d'affaires

United Nations S/2002/215

Security Council

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Letter dated 25 February 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith as an annex to this letter the cases of violations by Iraq of the terms of the ceasefire between the two countries from 6 September to 15 November 2000.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) M. Hassan **Fadaifard**
Ambassador
Chargé d'affaires a.i.

02-26958 (E) 040302

Annex to the letter dated 25 February 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I. Ceasefire violations

1- On Sept. 11, 2000 at 13:25 hrs. an Iraqi blue painted patrol boat carrying 2 persons was spotted patrolling at (39R, TR, 28900- 65300) coordinates of Khoramshahr map.

2- On Sept. 14, 2000 at 10:30 hrs. an Iraqi cream painted patrol boat carrying two persons was spotted patrolling at (39R TP/ TN 69400 – 13600) coordinates of Alishir map.

3- On Sept. 14, 2000 at 02:40 hrs. the Iraqi forces fired 5 to 6 mortar shells from their station at (39R TP 53000- 24000) coordinates of Khosro Abad map to dock of the I.R. of Iran.

4- On Sept. 18, 2000 at 10:00 hrs. a group tent set up by Iraqi forces at (38S NC 68700- 23600) coordinates of Kani Shaikh opposite Talkhab outpost at (38S NC 70000- 23000) coordinates of Halaleh map was removed. At the same coordinates a group banker has been constructed, in which 5 persons from Iraqi forces.

5- On Sept. 18, 2000 hrs. an Iraqi cream painted patrol boat carrying 2 persons was spotted patrolling in the territorial waters of the I.R. of Iran at (39R TP 57300- 18900) coordinates of Faw map.

6- On Sept. 6, 2000 at 09.20 hrs. an Iraqi patrol boat was spotted patrolling at 48° 43' and ..." East and 29°, 51' and 07" North in the territorial waters of the I. R. of Iran.

7-On Sept. 8, 2000 two Iraqi military helicopters flew over Khaneghin, Monzarieh, Cham, Cheghol regions, trench behind Borj Ahmadi outpost, trench beside Dar Band Jugh outpost and Amin village in Aghdagh heights. The helicopters carried most likely M.K.O. members who filmed the said regions.

8- On Sept. 21, 2000 at 10: 55 hrs. an Iraqi gray painted patrol boat carrying 3 persons was spotted patrolling at (39R TP 35000-59500) coordinates of Khoramshahr map.

9- On Sept. 23, 2000 at 10:30 hrs. a power shovel, a dump truck and a station wagon carrying 3 persons at (39R QV 54200- 32100) coordinates of West Jafir 2 were spotted engaged in engineering activities.

10- On Sept. 24, 2000, the Iraqi forces fired 3 mortar shells to (38S QA 31800- 79200) coordinates of Nahr Anbar map.

11- On Oct. 2, 2000 at 09:00 hrs. an Iraqi cream painted patrol boat carrying 3 persons was spotted patrolling at (39R TP/TN 13600- 69400) coordinates of Nahr Alishir.

12- On Oct. 4, 2000 at 08:00 hrs. an Iraqi yellow painted bulldozer was spotted at (38S NC 46000-44000) of Sumar map engaged in engineering activities.

13- On Oct. 3, 2000 at 12:25 hrs. an Iraqi patrol boat was spotted patrolling in the waters of the I.R. of Iran at (39R TP/TQ 68000-14200) of Alishir map.

14- On Oct. 3, 2000 at 10:40 and 14:00 hrs. two Iraqi cream and white painted patrol boats carrying 2 and 4 persons respectively were spotted patrolling in the territorial waters of the I. R. of Iran at (39R TP/TQ 68000-14200) coordinates of Alishir map.

15- On Oct. 6, 2000 at 11:00 hrs. an Iraqi cream painted patrol boat carrying two persons was spotted patrolling in the territorial waters of the I.R. of Iran at (39R TP/TQ 6800 14200) of Alishir map.

16- On Oct. 9, 2000 at 17:50 hrs. the Iraqi forces opened fire on the Iranian forces stationed at (39R TP 51400-42700) of Khosro Abad map.

17- On Oct. 13, 2000 at 02:30 hrs. the Iraqi forces stationed at Alkarameh outpost fired a RPG7 at the Iranian forces stationed at (39R QA 67000-25000) of Chazzabeh map.

18- On Oct. 13, 2000 at 20:30 hrs. some Iraqi armed bandits tried to infiltrate into the Iranian territory at (68300-89700) of 1:50/000 Bostan map. In the clashes, lieutenant Davood Dehghani achieved martyrdom.

19- On Oct. 14, 2000 at 16:25 hrs. an Iraqi cream painted patrol boat carrying 3 persons was spotted patrolling at (39R TP/TN 65500- 15600) coordinates of Alishir map.

20- On Oct. 16, 2000 at 08:00, 16:00 and 17:30 hrs. an Iraqi cream painted patrol boat carrying 6 persons was spotted patrolling at (39R TP/TN 68000-14200) coordinates of Alishir map.

21- On Oct. 20, 2000 at 12:50 hrs. an Iraqi blue painted patrol boat carrying 3 persons was spotted patrolling at (39R TP 47000-47000) coordinates of Khosro Abad map.

22- On Oct. 26, 2000 at 08:10 hrs. an Iraqi patrol boat carrying 3 persons was spotted patrolling in the territorial waters of the Islamic Republic of Iran at (39R TP/TN 67000-15000) coordinates of Alishir map.

23- On Nov. 3, 2000 at 13:30 hrs. the Iraqi forces stationed at Al Farus outpost at (NB/PB 01000-53000) coordinates of Mehran map fired a mortar

shell into the territory of the I. R. of Iran at (NB/PB 00000- 63000) coordinates of the same map.

24- On Nov. 6, 2000 at 01:30 hrs. from the Iraqi soil a MM82 mortar shell and a RPG7 was fired at the Iranian forces stationed at (38S PA/QA 88403-06320) coordinates of Gotapeh map.

25- On Nov. 6, 2000 at 09:15 hrs. the Iraqi forces fired a MM82 mortar shell from the Iraqi soil at the Iranian forces stationed at (39R TQ 16700- 11500) coordinates of Hossainieh map.

26- On Nov. 8, 2000 the Iraqi forces sat up an 11-member outpost 200 meters from the boarder strip at (38S QA 39000- 62700) coordinates of Yibis map. They also installed 2 Grinovs and 9 Klashinkovs in the said post.

27- On Nov. 11, 2000 at 15:25 hrs. an Iraqi blue painted patrol boat carrying 2 persons was spotted patrolling at (39R TP 41900- 54000) coordinates of Abadan map.

28- On Nov. 12, 2000 at 13:50 hrs. an Iraqi intelligence gathering ferry carrying persons in plain clothes was spotted patrolling at (39R TP/TN 69200-13700) coordinates of Alishir map.

29- On Nov. 12, 2000 at 15:10 hrs. an Iraqi white painted patrol boat carrying 3 persons was spotted patrolling at (39R TP/TN 68900- 13800) coordinates of Alishir map.

30- On Nov. 9, 2000 at 20:30 hrs. the Iraqi forces stationed at the observation post at (39R TP 42000-50000) coordinates of Abadan map fired 4 mortar shells at Ma'sumshahi outpost.

31- On Nov. 10, 2000 at 03:10 hrs. five 107 time programmed missiles were fired (probably by M.K.O. members) from inside Iraq at the soil of the I. R. of Iran at (38S QA 52454- 86996) coordinates of Aine Khosh map.

32- On Nov. 10, 2000 at 02:25 hrs. four MM122 missiles were fired (probably by M.K.O. members) from inside Iraq at the Iranian forces at (38S NC 64000- 51000) coordinates of Sumar map.

33- On Nov. 10, 2000 at 01:00 hrs. agents (probably the M.K.O. members) trying to infiltrate into the I.R. of Iran, fired four 107 missiles at the Iranian forces stationed at (38S QA 32000- 84000) coordinates of Nahr Anbar map. Confronted with the Iranian forces, they fled.

34- On Nov. 22, 2000 at 09:45 hrs. the Iraqi forces stationed 19 tanks and sat up 9 group tents in the observation post at (38S QA 39000-50000) coordinates of Yibis map.

II. Border events

1- On Sept. 5, 2000 an Iraqi person named Rafi' Ali Ghziyan Al Obudi tried to illegally enter the Islamic Republic of Iran at (39R TP 43500- 52500) coordinates of Abadan map. He was arrested by the Law Enforcement Forces and was handed over to Susangerd Intelligence Dept. of the Iranian Army in Abadan on 1379.6.19.

2- On Sept. 21, 2000 at 04:00 hrs. at 04:00 hrs. 2 civilians named Jalal Rostami Ghaleh Sefid and Faramarz Dashtizadeh with 80 heads of sheep tried to enter the Islamic Republic of Iran at (38s ND 57300- 23800) coordinates of Ghasre Shirin map, who were arrested by the Iranian forces.

3- On Sept. 21, 2000 at 09:00 hrs. an Arabic speaking civilian named Badre Hashemi, son of Abdol Hossain tried to illegally enter the Islamic Republic of Iran at (39R TQ 20000-20000) coordinates of Kharaman outpost (Hossainieh) map. He was arrested by the Iranian forces and handed over to Susangerd Intelligence Dept. on 1379.7.4.

4- On Sept. 23, 2000 at 21:00 hrs. an Iraqi woman named Besme Kazem accompanied by her daughter named Zainab Mosa Kazem tried to illegally enter the I.R. of Iran at (39R TP 75000-76000) coordinates of Khoramshahr map. They were arrested by the Iranian forces and handed over to Susangerd Intelligence Dept. on 1379.7.4.

5- On Oct. 4, 2000 at 02:00 hrs. a team of 4 (probably M.K.O. members) tried to infiltrate the soil of the I.R. of Iran at (39R TP/TQ 15700- 84600) coordinates of Nim Istgahe Navad map. In the clashes with the Iranian forces, one of them was killed, two others injured and the last one fled.

6- On Oct. 4, 2000 at 05:30 hrs. a team of 4 (probably M.K.O. members) tried to infiltrate the soil of the I.R. of Iran at (38S QA 37000- 77000) coordinates of Aiene Khosh map. Faced with the Iranian forces, they fled.

7- On Oct. 11, 2000 at 12:55 hrs. a number of persons (probably M.K.O. members) tried to enter Iran at (38S PA/PB 69000-23000) coordinates of Gharah Tapeh map. Facing the Iranian forces, they fled.

8- On Nov. 2, 2000 at 01:00 hrs. ten MM82 mortar shells was fired from inside Iraq at Iranian forces stationed at (38S PB 51000- 50000) coordinates of Kohe Gach map (probably by M.K.O.).

9- On Nov. 4, 2000 at 01:00 hrs. a number of persons (probably M.K.O. members) tried to enter Iran at (38S PB 57000- 43000) coordinates of Kohe Gach map in Khan region. Confronted with the Iranian forces they fled leaving 20 MM82 mortar shells, one RPG7, one radio set and some foodstuff.

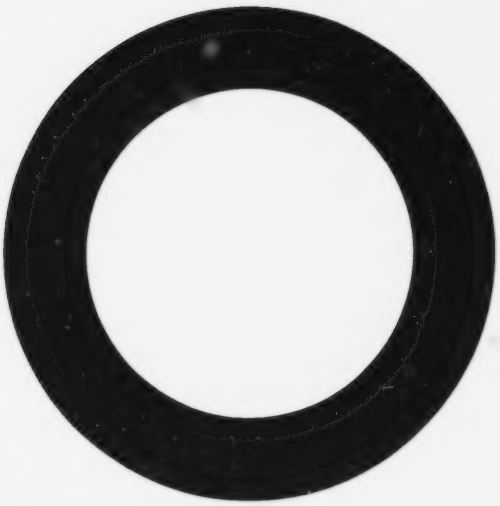
10- On Nov. 2, 2000 at 19:30 hrs. a civilian named Valid Jasem Mohammad, 33, from Basra tried to infiltrate Iran at (39R TP/TN 65000-17000) coordinates of Nahr Alishir map who was arrested by the Iranian forces.

11- On Nov. 8, 2000 at 09:00 hrs. the following persons from the Iraqi forces were arrested by the Iranian forces for illegal entrance at (38R RQV 58000-73800) coordinates of South Hur Al Hovaizeh map:

1-Hamid Mohammad Abadi, son of Ghasem
2-Mohammad Shahab Avari, son of Shaishel
3-Mohammad Mohammad Avari, son of Shaishel
4-Barzan MohammadAbadi, son of Hessun
5-Khezer Mohammad Abadi, son of Amervi
6-Rahim Mohammad Abad, son of Kazem
7-Adnan Mohammad Abadi, son of Abdol Hassan

12- On Nov. 13, 2000 at 06:00 hrs. 2 Iraqi persons named Abdollah Souvari, 20 and Zahra Souvari,50, daughter of Mosa illegally tried to enter Iran at (39R TP 32700-59500) coordinates of Khoramshahr map. They were arrested by Iranian forces.

13- On Nov. 15, 2000 at 10:30 hrs. an Iraqi family of 5 living in Basra tried to enter the I.R. of Iran at (38R QV/QA 72600- 13000) coordinates of Saidieh map. They were arrested by the Iranian forces.



United Nations S/2002/216

Security Council

Distr.: General
1 March 2002
English
Original: French

Letter dated 27 February 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the inter-Congolese dialogue and the Sun City meeting issued on 22 February 2002 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Permanent Representative of Spain to the United Nations

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Annex to the letter dated 27 February 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the inter-Congolese dialogue and the Sun City meeting issued on 22 February 2002 by the Presidency of the European Union on behalf of the European Union

The European Union is extremely concerned that some parties to the inter-Congolese dialogue have threatened not to attend the talks in Sun City, South Africa.

This introduces grave risk on the eve of the inter-Congolese dialogue. It undermines the parties' commitments to establishing a new political framework in the Democratic Republic of the Congo and to long-term peace and democratization. The parties have an obligation to work on behalf of all Congolese to live in a peaceful, stable and democratic society.

Therefore, the European Union calls upon all parties to the dialogue to honour these obligations. As such, their responsibility must be to attend the Sun City meeting and address their differences in a manner that reflects those responsibilities. The failure of the talks in Addis Ababa to make progress places increased pressure on all parties to enter into the dialogue with a spirit of accommodation, compromise and professionalism.

The European Union, and the wider international community, has great expectations for the dialogue in Sun City.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the European Free Trade Association countries members of the European Economic Area align themselves with the present statement.

United Nations S/2002/217

Security Council

Distr.: General
1 March 2002
English
Original: French

Letter dated 28 February 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to refer to my letter dated 25 February 2002 (S/2002/198) in which I informed you of the attack against the garrison of the Congolese armed forces at Muliro, in Katanga province, on the night of 22 to 23 February 2002 launched by units of the Rwandan armed forces and elements of the Rassemblement congolais pour la démocratie (RCD-Goma) in violation of the current ceasefire. I have the honour to confirm that the Congolese armed forces, acting in self-defence, ferociously resisted the attackers and managed to push the enemy troops back beyond Kamamba.

My Government, however, convinced of the urgent need to establish peace and put an end to the unspeakable suffering of the Congolese people, has decided to decree a unilateral ceasefire. To that end, the Government of the Democratic Republic of the Congo has ordered its troops to begin pulling back to their original position.

My Government reaffirms that it has been resolutely involved in the peace and democratization process since January 2001 and remains determined to ensure the success of the inter-Congolese dialogue aimed at the country's reunification.

My Government denounces this crude attempt to torpedo the inter-Congolese dialogue process, which sheds new light on the many delaying tactics and other manoeuvres which RCD-Goma and the Mouvement de libération du Congo are using in an attempt to delay the actual start of the national dialogue.

My Government therefore requests the Security Council:

1. To condemn Rwanda and RCD-Goma for causing this latest pointless escalation;

2. To pressure Rwanda to allow RCD-Goma freely to join the peace and national reconciliation process;

3. To take all necessary measures under the Charter of the United Nations to enable observers from the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to be sent to the conflict zone at Muliro to monitor the implementation of the ceasefire and the withdrawal of the forces present there;

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4. To demand that Rwanda and RCD-Goma comply fully and strictly with the Lusaka Ceasefire Agreement, the Kampala disengagement plan and the Harare disengagement and redeployment subplans, which they signed freely and which are aimed at instituting an effective ceasefire and at speeding up the peace process in the Democratic Republic of the Congo;

5. To demand that the dictatorial, mono-ethnic and sectarian Government of President Kagame and his Akazu fully respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and give up its attempts to carry out the "Anschluss" of the country's eastern provinces;

6. To spare no effort to put an end to Rwanda's belligerent attitude, which it is authorized to do under the Charter of the United Nations and under its own resolutions on the situation in the Democratic Republic of the Congo.

My Government once more reminds the Security Council, at the risk of wearying it, of the heavy price already paid by the Congolese people in terms of the massacres, rapes and multiple violations of human rights and international humanitarian law committed by the aggressor countries, including Rwanda, in the territory of the Democratic Republic of the Congo.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

United Nations S/2002/218

Security Council

Distr.: General
1 March 2002

Original: English

Letter dated 1 March 2002 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council

I have the honour, in my capacity as representative of the Presidency of the Council of the European Union, to request that Javier Solana, Secretary-General of the Council and High Representative for Foreign Policy and Common Security, be allowed to participate in the Council meeting to be held on Tuesday, 5 March 2002, on Bosnia and Herzegovina, in accordance with rule 39 of the provisional rules of procedure of the Security Council.

(*Signed*) Inocencio F. **Arias**
Ambassador
Permanent Representative of Spain to the United Nations

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United Nations A/56/849–S/2002/219

General Assembly
Security Council

Distr.: General
28 February 2002
English
Original: French

General Assembly
Fifty-sixth session
Agenda items 20 (b), 21 (j), 22, 26, 39, 48, 74 (g), (h), (l), (q) and (w), 95, 96, 97, 98 (e), 99, 103, 107, 108, 110, 111, 119 (b) and 166

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of African Unity

Final review and appraisal of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s

Follow-up to the outcome of the special session on children

Towards global partnerships

Causes of conflict and the promotion of durable peace and sustainable development in Africa

General and complete disarmament: assistance to States for curbing the illicit traffic in small arms and collecting them; consolidation of peace through practical disarmament measures; relationship between disarmament and development; illicit traffic in small arms and light weapons; small arms

Macroeconomic policy questions

Sectoral policy questions

Sustainable development and international economic cooperation

Environment and sustainable development: further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Security Council
Fifty-seventh year

02-27001 (E) 260302 280302

Operational activities for development

Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006)

High-level international intergovernmental consideration of financing for development

Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

Crime prevention and criminal justice

International drug control

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Measures to eliminate international terrorism

Letter dated 26 February 2002 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the final communiqué adopted at the conclusion of the twenty-fifth session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS), held at Dakar on 20 and 21 December 2001 (see annex).

I should be grateful if you would have the text of this letter and its annex distributed as a document of the General Assembly under agenda items 20 (b), 21 (j), 22, 26, 39, 48, 74 (g), (h), (l), (q) and (w), 95, 96, 97, 98 (e), 99, 103, 107, 108, 110, 111, 119 (b) and 166, and of the Security Council.

(*Signed*) Papa Louis **Fall**
Permanent Representative

Annex to the letter dated 26 February 2002 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General

[Original: English and French]

Twenty-fifth session of the Authority of Heads of State and Government (Dakar, 20 and 21 December 2001)

Final Communiqué

Dakar, December 2001

1. The Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) held its twenty-fifth ordinary session in Dakar, Republic of Senegal, on 20 and 21 December 2001. The meeting was chaired by His Excellency Alpha Oumar Konaré, President of the Republic of Mali, current Chairman of the ECOWAS Authority of Heads of State and Government.

2. Present at the session were the following heads of State and Government or their duly accredited representatives:

His Excellency Mathieu Kérékou
President of the Republic of Benin

His Excellency Blaise Compaoré
President of Burkina Faso

His Excellency Yahya Jammeh
President of the Republic of the Gambia

His Excellency John Agyekum Kufuor
President of the Republic of Ghana

His Excellency Koumba Yalla
President of the Republic of Guinea-Bissau

His Excellency Alpha Oumar Konaré
President of the Republic of Mali
Current ECOWAS Chairman

His Excellency Olusegun Obasanjo
President of the Federal Republic of Nigeria

His Excellency Abdoulaye Wade
President of the Republic of Senegal

His Excellency Ahmad Tejan Kabbah
President of the Republic of Sierra Leone

His Excellency General Gnassingbe Eyadema
President of the Togolese Republic

Hon. Jose Maria Pereira Neves
Prime Minister and Head of Government of the Republic of Cape Verde

Hon. Lamine Sidimé
Prime Minister of the Republic of Guinea representing the President of the Republic

Hon. Abou Drahamane Sangare
Minister of Foreign Affairs of the Republic of Côte d'Ivoire representing the President of the Republic

Hon. Monie R. Captan
Minister of Foreign Affairs of the Republic of Liberia representing the President of the Republic

Hon. Mrs. Mindaoudou Aichatou
Minister of Foreign Affairs of the Republic of Niger representing the President of the Republic

3. The following personalities also attended the twenty-fifth session as observers:

Secretary-General of the Organization of African Unity (OAU/African Union);

Director-General of the Food and Agriculture Organization of the United Nations (FAO);

Representative of the Secretary-General of the United Nations;

President of the Commission of the West African Economic and Monetary Union (UEMOA);

Chairman, Committee of Governors of Central Banks of West Africa, Governor of the Central Bank of the Gambia;

President of the African Business Roundtable (ABR);

Representative of the African Development Bank (ADB);

Representative of the Economic Community of Central African States (CEEAC);

Deputy Director-General of the World Trade Organization (WTO);

Representative of the International Monetary Fund (IMF);

as well as other personalities representing West African, African and international organizations.

4. A list of participants is attached as an annex.

Tribute to the late President Léopold Sedar Senghor

5. The Authority learned with regret the death of President Léopold Sedar Senghor, a Founding Father of ECOWAS. The heads of State and Government paid glowing tribute to the illustrious leader for his exceptional contribution to the emancipation of Africa in general, and to the construction of ECOWAS in particular. A minute of silence was observed in memory of the late President, and the Authority addressed its sincerest condolences to the Senegalese and the African peoples on their sad bereavement.

Opening ceremony

6. During the opening ceremony, a welcome address was delivered by His Excellency President Abdoulaye Wade, President of the Republic of Senegal, a vote of thanks of the heads of State and Government was delivered by His Excellency President John Agyekum Kufuor of the Republic of Ghana, and an opening statement was made by the current Chairman of ECOWAS, His Excellency President Alpha Oumar Konaré of the Republic of Mali. The Authority adopted these keynote addresses as working documents. The heads of State and Government reiterated their commitment to building strong solidarity within ECOWAS as a means of contributing to the realization of the African Union.

7. The Secretary-General of the United Nations, the Secretary-General of OAU, the Director-General of FAO and the President of the African Business Roundtable sent solidarity messages to the twenty-fifth session of the Authority of Heads of State and Government.

The African Union

8. The Authority welcomed the entry into force of the Constitutive Act of the African Union which marks a significant step towards the effective integration of the African continent. The Authority appealed to member States to take every necessary measure to ensure the implementation of this historic programme.

New Partnership for Africa's Development

9. The Authority noted with satisfaction the adoption of the New Partnership for Africa's Development (NEPAD) which constitutes an appropriate instrument for the development and integration of the African economies, and the alleviation of poverty in Africa. The heads of State expressed their gratitude to Presidents Abdoulaye Wade of the Republic of Senegal and Olusegun Obasanjo of the Federal Republic of Nigeria for their invaluable contribution to the formulation of the programme.

10. The Authority directed the ECOWAS Executive Secretariat to bring its policies and programmes into line with those of NEPAD, with a view to creating the synergy that would strengthen ECOWAS and enable it to contribute to the establishment of a strong African Union.

ECOWAS programmes

11. The Authority adopted the reports of the Executive Secretary, the fourth extraordinary session of the Council of Ministers, the forty-eighth session of the Council of Ministers, and the meeting of Ministers of Foreign Affairs. These reports focused primarily on the following:

Harmonization of ECOWAS and UEMOA integration programmes;

Free movement of persons;

Implementation of the common market;

Multilateral surveillance of economic policies;

Sectoral programmes for production and infrastructural development;

Human development programmes;

Administrative and financial matters;

Institutional matters;

Regional peace and security.

12. The Authority laid special emphasis on the following economic, institutional, peace and security issues:

Economic issues

13. The Authority reviewed the modalities for the implementation of the strategy for accelerating the regional integration process, whose objective is to establish West Africa as a unified economic zone. The Authority urged all member States to implement the provisions of the ECOWAS trade liberalization scheme within the shortest possible time, and take all necessary measures to prepare their economies for the introduction of the ECOWAS common external tariff, based on the lowest existing customs duties which range from 0 per cent to 20 per cent. In this regard, the Authority noted with satisfaction that the ECOWAS Executive Secretariat and the UEMOA Commission have been organizing meetings for the harmonization of their programmes. The Authority appealed to the chief executives of the two institutions to continue their coordination efforts. The Authority also urged all member States to provide strong support for the actions undertaken within the framework of the ongoing harmonization process.

14. The Authority stressed that the strengthening of the political and economic dimensions of regional integration must be accompanied by appropriate measures for the development of the national economies. In this regard, the Authority welcomed the information that the Republic of Cape Verde expressed its commitment to the effective implementation of ECOWAS programmes. The Authority repeated its directive to the Executive Secretary to submit specific proposals in support of the socio-economic development of island and landlocked countries of the Community (Cape Verde, Burkina Faso, Mali and the Niger). The Authority also requested the Executive Secretary to give priority to the promotion of integration programmes with a real poverty alleviation content.

Monetary cooperation programme

15. The Authority expressed appreciation of the unrelenting efforts of the countries in the second monetary zone to adopt a common currency.

16. The Authority called on the ECOWAS Convergence Council, composed of Ministers of Finance and Governors of ECOWAS Central Banks, to ensure the harmonization of the programmes of the second monetary zone and those of the ECOWAS single monetary zone.

17. Consequently, the Authority urged all member States to ensure strict compliance with the ECOWAS macroeconomic convergence criteria, a necessary condition for the establishment of a single and viable monetary zone in West Africa.

18. The Authority adopted the decision relating to the organization of the ECOWAS multilateral surveillance mechanism. To this end, it urged all member States to set up their national coordination committees (NCC) designed to assist the ECOWAS Secretariat and the West African Monetary Agency (WAMA) in the compilation and analysis of statistical data necessary for performance evaluation under the convergence criteria.

19. In order to create the appropriate synergy between the CFA zone and the second West African monetary zone (WAMZ), the Authority decided that the name of the future ECOWAS common currency should be jointly determined by the relevant authorities of WAMZ and BCEAO/UMOA, under the chairmanship of His Excellency President Abdoulaye Wade, Chairman of UEMOA and incoming Chairman of ECOWAS.

The ECOWAS passport

20. The Authority commended the Republic of Benin for issuing the ECOWAS passport, and took note of the measures taken by the Republic of Mali to issue the passport in the very near future. The Authority urged all the other member States to take the necessary measures to ensure the introduction of the ECOWAS passport without further delay.

Sectoral policies

Special regional food security programme

21. The Authority adopted the special regional food security programme in recognition of the important role of agriculture in the socio-economic development of member States.

22. The Authority also recognized the relevance of integrated water resource management in West Africa, to the achievement of regional food security, and directed the Executive Secretary to take all necessary measures for the prompt implementation of the regional action programme on the integrated management of water resources. The Executive Secretary was requested to work closely with FAO to mobilize the necessary financial resources from

external partners towards the implementation of this important regional programme.

Cooperation in the energy sector

23. The Authority, concerned by the continuing energy crisis in the region, reaffirmed its determination to build the West African Power Pool which will promote the joint exploitation of the energy resources of the member States and enable them to fulfil their development needs. In order to render the Power Pool operational, the Authority adopted a resource mobilization mechanism to finance the various priority activities of the project.

Private sector promotion

24. The Authority noted with satisfaction the significant progress achieved in the creation of the private regional airline, ECOAIR and the private coastal shipping line, ECOMARINE. The Authority urged the regional promoters to make the projects operational as soon as possible. The Authority also expressed gratitude to the Togolese authorities for the privileges granted to ECOMARINE as a regional coastal shipping line.

25. The Authority directed the Executive Secretary to more fully involve the private sector and civil society in the regional integration process.

Transformation of the ECOWAS Fund for Cooperation, Compensation and Development into a holding company known as the ECOWAS Bank for Investment and Development

26. The Authority, desirous of enhancing the financial resources of ECOWAS to enable it to finance investments, adopted a supplementary protocol amending articles 1, 3, 6 and 21 of the revised ECOWAS Treaty. "Fund" and "Statutory appointees" in the said articles were replaced by new provisions reflecting the establishment of the ECOWAS Bank for Investment and Development (EBID) and its subsidiaries, namely ECOWAS Regional Investment Bank (ERIB) and ECOWAS Regional Development Fund (ERDF).

27. The Authority appealed to all member States to ratify the Supplementary Protocol amending the ECOWAS Treaty and the Protocol establishing EBID, not later than June 2002.

28. The Authority declared payable the first tranche of the called-up capital of the ECOWAS Bank for Investment and Development, amounting to one hundred and forty million seven hundred thousand thirty-five units of account (UA 140,700,035), representing thirty-five percent (35%) of the regional members' share of the authorized capital.

Regional peace and security

29. The Authority reviewed the political and security situation in the subregion and commended Sierra Leone for the tremendous progress it has made in the restoration of peace and security.

30. The Authority also expressed satisfaction at the efforts by the Government of Sierra Leone and the Joint Committee on Disarmament to implement the demobilization, disarmament and rehabilitation (DDR) programme. In addition, the Authority congratulated the Government of Sierra Leone for the efforts made towards the organization of elections in May 2002.

31. The Authority made a strong appeal to the international community to assist the Government of Sierra Leone to complete the disarmament, demobilization and rehabilitation of ex-combatants and to resolve the humanitarian problems and promote the resettlement and rehabilitation of refugees, displaced persons and ex-combatants. The donors were urged to provide the necessary financial assistance for the resolution of these problems.

Situation in the Mano River region

32. The Authority took note of the evolution of the situation in the Mano River region, and expressed its satisfaction at the positive developments in the zone. The Authority appealed to member States of the region to intensify the dialogue they had initiated, in order to restore lasting peace. In this regard, the Authority congratulated the Mano River women's network for the initiative taken towards the re-establishment of dialogue between the three countries of the Union as a means of promoting durable peace in that subregion.

Liberia

33. Expressing deep concern about the continued rebel attacks against the Government of Liberia, especially in Lofa County, and the attendant risks of destabilization, the Authority strongly condemned the

activities of armed rebels in Liberia and approved the sanctions envisaged against these armed movements, particularly the Liberian Front for Reconciliation and Democracy (LFRD). The Authority requested the Liberian Government to furnish all necessary information to the ECOWAS Mediation and Security Council for the imposition of the said sanctions.

34. The Authority also expressed concern about the repercussions of the United Nations sanctions on the people of Liberia and expressed the view that the Government of Liberia needed assistance that would enable it to embark on economic and social reconstruction of the country.

35. The Authority called on the Government of Liberia to initiate a national reconciliation policy that would involve all sections of the society. To that end, the Authority expressed the willingness of the Community to provide the necessary assistance.

Guinea-Bissau

36. The Authority expressed support for the ongoing rehabilitation and reconstruction process in Guinea-Bissau and called on the international community to honour its financial pledges.

Côte d'Ivoire

37. The Authority expressed satisfaction at the convening of the national reconciliation forum by the Government of Côte d'Ivoire and the encouraging results achieved. It urged the Government of the Republic of Côte d'Ivoire to continue its efforts to consolidate these achievements, with a view to ensuring genuine reconciliation among the Ivorian citizens.

Mechanism for Conflict Prevention, Management and Resolution

38. The Authority noted with satisfaction that the organs established under the ECOWAS Mechanism for Conflict Prevention, Management and Resolution had become operational. The Authority appealed to Member States which had not yet done so, to take every necessary measure to ratify the relevant Protocol. The Authority also expressed its profound gratitude to the European Union, the Governments of Canada and the United States of America, the United Nations, and all other partners, for assisting ECOWAS in establishing the conflict prevention mechanism.

39. The Heads of State and Government noted with satisfaction the progress made in the area of democracy in the region. In order to consolidate the gains made, the Authority adopted the Protocol on Democracy and Good Governance to further promote democracy, the rule of law and human rights in Member States as well as prevent conflicts.

Human trafficking

40. To combat the rising incidence of human trafficking in the region, the Authority adopted the Political Declaration and Initial Plan of Action Against Human Trafficking and appealed to Member States to effectively implement the provisions of the declaration and plan of action. The Authority also expressed its gratitude to the United Nations International Drug Control Programme and the United Nations Crime Prevention Centre for its contribution to the elaboration of the working documents on human trafficking.

Rights of the West African child

41. The Heads of State and Government, expressing particular concern at the violence meted out to children particularly in conflict zones and by the suffering endured by handicapped children, declared the adherence to the inalienable principles of the African Charter for the Rights and Welfare of the Child and the Convention on the Rights of the Child. In this connection, they declared the period from 2001 to 2010 "The Decade of the ECOWAS Child".

Protocol on the Fight against Corruption

42. Desirous of eradicating the scourge of corruption which seriously undermines the development efforts of Member States, the Authority adopted the Protocol on the Fight against Corruption and appealed to all the governments of the Community to abide by the provisions of the protocol and promote cross-border cooperation in this area.

The Fight against Terrorism

43. Considering that terrorism constitutes a serious threat to world peace and security, the Authority strongly condemned the terrorist attacks recently carried out against the United States and urged all Member States to ratify, within the shortest time possible, all the United Nations and OAU conventions on terrorism, the United Nations Convention on

Transnational Organized Crime, and the ECOWAS conventions on mutual assistance in legal matters and extradition. The Authority also called on Member States to implement the provisions of the Dakar Declaration on terrorism.

Inter-Governmental Action Group against Money Laundering

44. The Authority took note of the opening of the GIABA Secretariat in Dakar, and called on Member States to take all necessary measures to render this institution operational and equip it to combat money-laundering and all related crimes effectively.

Moratorium on the importation, exportation and manufacture of small arms

45. The Authority expressed satisfaction at the extension of the moratorium for a period of three years and called on Member States to fulfil their commitments within the framework of the Code of Conduct for the application of the Moratorium.

46. The Authority directed the Executive Secretary to take the necessary measures to mobilize the funds for the execution of activities envisaged under the Moratorium.

Mediation and Security Council

47. The Authority adopted the new composition of the Mediation and Security Council. The members of the Mediation and Security Council are: Burkina Faso, Ghana, Guinea, Liberia, Mali, the Niger, Nigeria, Senegal, Sierra Leone and Togo.

Council of Elders

48. The Authority took note of the report of the inaugural meeting of the Council of Elders held in Niamey from 2 to 4 July 2001 and approved the list of members proposed by the ECOWAS Executive Secretariat.

Institutional issues

49. The Authority expressed satisfaction at the effective establishment of the ECOWAS Court of Justice and Parliament. The Heads of State and Government stressed the need to provide these institutions with adequate manpower and financial resources to enable them to function normally. In this respect, the Authority requested Member States to take necessary measures to ensure the application of the Protocol on the Community levy so as to generate the required financial resources for the Community institutions.

50. The Authority directed the Executive Secretary to undertake a study on the ECOWAS Parliament with the objective of enhancing its powers. Furthermore, the Executive Secretary was requested to initiate a study on the restructuring of the Community institutions within the context of the African Union.

51. The Authority decided to locate the headquarters of the ECOWAS Parliament and the Court of Justice in Abuja, Federal Republic of Nigeria.

52. The Authority, recalling, the need to more closely involve the civil society in the integration process, requested the West African Youth Union (WAYU) and the Ministerial Conference on Youth and Sports (MCYS) to harmonize their programmes so as to achieve an effective involvement of the youth in the regional integration process.

The ECOWAS anthem and flag

The anthem

53. The Authority adopted the lyrics of the ECOWAS anthem. However, the Executive Secretary was requested to review it so as to shorten it and reduce the long pause between the two verses.

The flag

54. The Authority directed the Executive Secretary to organize another competition on the ECOWAS flag which should take into account the observations of the jury and conducted under the supervision of the Chairman of the ECOWAS Authority.

Cooperation with development partners

55. The ECOWAS Heads of State and Government reiterated their appreciation to their development partners particularly the OAU, the European Union, USAID, the ADB, ECA, UNDP, the World Bank, the IMF, ITU, FAO, Japan, Canada, Germany and France, for the various forms of support extended by them towards the success of the regional integration process. The Authority directed the Executive Secretary to

continue his efforts at extending ECOWAS cooperation relations to other partners.

Nomination of heads of ECOWAS institutions

The ECOWAS Executive Secretary

56. The Authority nominated Dr. Mohamed Ibn Chambas of the Republic of Ghana to the post of the Executive Secretary of ECOWAS for a term of four years.

President of the ECOWAS Bank for Investment and Development

57. The Authority requested the Republic of Benin to fill the post of President of ECOWAS Bank for Investment and Development (EBID).

Financial Controller

58. The Authority requested the Republic of the Gambia to fill the post of Financial Controller.

Tribute to the outgoing Executive Secretary

59. The Authority warmly commended the outgoing Executive Secretary, Mr. Lansana Kouyaté, for the excellent work he had accomplished at the helm of the Community Institutions. The Authority also paid him a glowing tribute for his dynamism and for injecting a new lease of life into the Community and strengthening the regional integration process in Africa.

Election of Chairman of Authority

60. The Heads of State and Government elected His Excellency Abdoulaye Wade, President of the Republic of Senegal as the Chairman of the ECOWAS Authority of Heads of State and Government.

Date and venue of next Summit

61. The next ordinary session of the Authority of Heads of State and Government shall be held in December 2002 at a venue to be determined through consultation.

Vote of thanks

62. The Heads of State and Government expressed their profound gratitude to His Excellency Abdoulaye Wade, President of the Republic of Senegal, for the exemplary leadership he has demonstrated in his promotion of the African Union. They expressed particular appreciation at the brotherly welcome extended to them and the excellent facilities placed at their disposal during their stay in Dakar. The Heads of State expressed their appreciation to President Wade for his role in support of the democratization process in his country, which he has always served with commendable dedication.

63. The Heads of State and Government expressed their best wishes to His Excellency President Wade and also wished peace and prosperity to the brotherly people of Senegal.

Special commendation

The ECOWAS Authority of Heads of State and Government expressed its sincere appreciation to the outgoing Executive Secretary, Mr. Lansana Kouyaté for the invaluable work accomplished by him during his four years at the head of the Executive Secretariat.

The Authority paid tribute to Mr. Kouyaté's faith and determination to share the vision of the Heads of State and to implement their decisions, expressing the view that this strong commitment had contributed incalculably to the acceleration of the West African integration process.

The Authority also expressed its appreciation to the staff of the ECOWAS Secretariat, without whom the Community would not have achieved this measure of success.

United Nations S/2002/220

Security Council

Distr.: General
1 March 2002

Original: English

Letter dated 1 March 2002 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

I have the honour to submit herewith a copy of a statement issued by the Ministry of Foreign Affairs of Georgia on 28 February 2002 concerning the holding of illegitimate and unlawful "elections" by the Abkhaz separatist regime in Abkhazia, Georgia, on 2 March 2002 (see annex).

In the current circumstances, those acts represent an aggressive attempt to thwart the best efforts of international organizations to facilitate the peaceful resolution of the conflict in Abkhazia, Georgia.

Therefore, I avail myself of this opportunity to reiterate the appeal of the Government of Georgia to the Security Council to give due assessment to the provocative actions of the Abkhaz side and to reaffirm the illegality and unacceptability of the "elections".

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter **Chkheidze**
Ambassador
Permanent Representative

02-26946 (E) 040302

Annex to the letter dated 1 March 2002 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

The Ministry of Foreign Affairs of Georgia is authorized to state that the decision by the Abkhaz separatist regime to hold self-styled parliamentary elections in Abkhazia, Georgia, on 2 March 2002 is illegal, and that the results of those "elections" should be declared void.

In addition to being illegal, those "elections" are illegitimate since two thirds of the native population of the region have been forcibly expelled, the security and safety of the remaining Georgian population are under constant threat and their basic human rights are regularly violated, and conditions for the free expression of the will of the people are non-existent.

All self-styled referenda and "elections" held by the Abkhaz separatist regime in Abkhazia, Georgia, have been considered unacceptable and illegitimate by United Nations Security Council resolutions, as well as by the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe and the Inter-Parliamentary Assembly of the Commonwealth of Independent States.

It is disconcerting that the decision by Abkhaz separatists to conduct self-styled parliamentary elections comes on the eve of the submission by the Special Representative of a draft paper containing specific proposals to the parties on the question of the distribution of constitutional competencies between Tbilisi and Sokhumi as a basis for meaningful negotiations.

The Government of Georgia strongly believes that this unlawful action by the Abkhaz side creates additional obstacles to the peace process, counteracts the goodwill of the Government and people of Georgia, and undermines the efforts of the international community to find a comprehensive peaceful resolution of the conflict in Abkhaza, Georgia, with full respect for the sovereignty and territorial integrity of Georgia.

We hope that the Security Council and other international organizations will reiterate their view that the holding of self-styled parliamentary elections in Abkhazia, Georgia, is unacceptable.

United Nations S/2002/221

Security Council

Distr.: General
5 March 2002
English
Original: English and French

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1112 (1997) of 12 June 1997, 1256 (1999) of 3 August 1999, and 1357 (2001) of 21 June 2001,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), and the conclusions of the Peace Implementation Conferences held in Bonn on 9 and 10 December 1997 (S/1997/979, annex), Madrid on 16 and 17 December 1998 (S/1999/139, appendix), and Brussels on 23 and 24 May 2000 (S/2000/586, annex),

Welcoming the conclusions of the Steering Board of the Peace Implementation Council (PIC) on 28 February 2002 (S/2002/230) as well as the conclusions of the General Affairs Council of the European Union of 18 February 2002 (S/2002/212),

Expressing its appreciation to the Secretary-General, his Special Representative and the personnel of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which includes the International Police Task Force (IPTF), for their contributions to the implementation of the Peace Agreement and preparations for the efficient transition to the follow-on to UNMIBH,

1. *Welcomes* and agrees to the designation by the Steering Board of the Peace Implementation Council (PIC) on 28 February 2002 of Lord Ashdown as High Representative in succession to Mr. Wolfgang Petritsch;

2. *Expresses* its appreciation to Mr. Wolfgang Petritsch for his achievements as the High Representative;

3. *Welcomes* the acceptance by the Steering Board of the PIC on 28 February 2002 of the offer made by the European Union (EU) to provide an EU Police Mission (EUPM), from 1 January 2003, to follow the end of UNMIBH's mandate, as part of a coordinated rule of law programme, and the EU's intention to also invite non-EU member States to participate in the EUPM;

4. *Encourages* coordination between UNMIBH, the EU and the High Representative in order to ensure a seamless transition of responsibilities from IPTF to the EUPM;

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5. *Welcomes also* the PIC Steering Board conclusions on 28 February 2002 concerning the streamlining of the international civilian implementation effort in Bosnia and Herzegovina;

6. *Reaffirms* the importance it attaches to the role of the High Representative in pursuing the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement;

7. *Reaffirms also* the final authority of the High Representative in theatre regarding the interpretation of Annex 10 on civilian implementation of the Peace Agreement;

8. *Decides* to remain seized of the matter.

United Nations A/56/854-S/2002/222

General Assembly
Security Council

Distr.: General
4 March 2002

Original: English

General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 4 March 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

In the past 48 hours, 22 Israelis have been killed in four separate attacks carried out by Palestinian terrorists affiliated with the Fatah movement of Palestinian Authority Chairman Yasser Arafat.

The attacks began shortly after 7 p.m. (local time) on Saturday evening, when a Palestinian suicide bomber detonated powerful explosives in the central Jerusalem neighbourhood of Beit Yisrael. The explosion was timed to coincide with the conclusion of the Jewish Sabbath, an hour when the streets are known to be crowded with people. The terrorist detonated the bomb next to a group of women waiting with their baby carriages for their husbands to leave the nearby synagogue following sundown prayers. Ten Israelis were killed in the explosion and over 50 were wounded, four of them critically. Those killed included an infant and her six-year-old brother; a mother and her three-year-old son; a 12-year-old boy; and four other adults. Five of those killed were from the same family. The Al-Aqsa Martyrs Brigade, a group belonging to Chairman Yasser Arafat's own Fatah faction, took responsibility for the attack.

Early the next morning, at approximately 6.30 a.m. (local time), Palestinian terrorists opened fire at a group of soldiers and civilians north-west of Ofrah. Seven Israeli solders and three civilians were killed and four others were wounded before the gunmen escaped to Palestinian-controlled territory. Fatah's Al-Aqsa Martyrs Brigade claimed responsibility for this attack as well.

On Saturday night, the bullet-ridden body of a Jerusalem police detective, Chief-Superintendent Moshe Dayan, age 45, was discovered several hundred metres from the Mar Saba Monastery in the Judean Desert. Dayan had been riding his motorcycle in the desert when he was ambushed by terrorists. The Tanzim, an armed militia under the authority of Chairman Arafat's Fatah faction, claimed responsibility for the attack.

Yesterday morning, at approximately 7.30 a.m. (local time), a Palestinian terrorist opened fire on a group of Israeli soldiers near the Kissufim crossing.

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Sergeant Steven Kenigsberg, age 19, was killed in the attack, and three others were wounded. Islamic Jihad and the Tanzim claimed responsibility for the attack.

These attacks are only the latest incidents in the Palestinian campaign of terrorism that continues to escalate in both frequency and lethality. Previous attacks have been detailed in letters dated 27 February 2002 (A/56/843-S/2002/208), 20 February 2002 (A/56/828-S/2002/185), 19 February 2002 (A/56/824-S/2002/174), 11 February 2002 (A/56/819-S/2002/164), 8 February 2002 (A/56/814-S/2002/155), 28 January 2002 (A/56/798-S/2002/126), 22 January 2002 (A/56/788-S/2002/104), 18 January 2002 (A/56/781-S/2002/86), 16 January 2002 (A/56/774-S/2002/73), 11 January 2002 (A/56/771-S/2002/47), 4 January 2002 (A/56/766-S/2002/25), 13 December 2001 (A/56/706-S/2001/1198), 4 December 2001 (A/56/678-S/2001/1150), 30 November 2001 (A/56/670-S/2001/1141), 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

Israel holds the Palestinian Authority and its Chairman, Yasser Arafat, directly responsible for these attacks. In all four incidents described above, forces associated with Chairman Arafat proudly claimed responsibility and vowed to carry out still further attacks against Israel. Chairman Arafat's Fatah forces, which have been responsible for virtually all recent terrorist attacks, have now emerged as the primary terrorist threat facing Israel.

Aside from blatantly violating his commitment to renounce the use of terrorism, first expressed in his letter of 9 September 1993 to Israeli Prime Minister

Yitzhak Rabin, and reaffirmed in subsequent agreements reached between the sides. Chairman Arafat's complicity in these attacks places him squarely in opposition to the international community's campaign against terrorism. The international community must make it absolutely clear that such heinous tactics are completely beyond the bounds of acceptability.

Israel remains committed to a negotiated peace settlement with the Palestinians on the basis on United Nations Security Council resolutions 242 (1967) and 338 (1973). But achieving such a settlement will remain elusive so long as attacks against Israeli civilians are encouraged and supported by the Palestinian leadership. Ending the bloodshed and achieving a genuine peace will be possible only once the Palestinian leadership makes clear, in both word and deed, that it rejects terrorism, as stipulated in both the Mitchell Report and the Tenet understanding, and is prepared to re-engage in direct bilateral negotiations in a spirit of partnership and goodwill.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative